

[27th March 1923]

Demand XXXVIII—Land Revenue—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to second the motion."

The hon. the PRESIDENT :—" I reserve my decision on the point of order till the matter again comes up."

The motion that the further consideration of the demands be adjourned to 11 a.m. on Thursday the 29th March 1923, was put to the House and carried.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, I beg to submit that there are certain demands which do not rest on this question at all. They may be taken up now."

The hon. the PRESIDENT :—" The House having already decided that the various items should be adjourned to the 29th, there is really nothing more to be said on the point."

V

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL, 1922.

Clause 5—cont.

Sub clause (9).

(Amendment No. 39.)

Rao Sahib U. RAMA RAO :—" Sir, I beg to move—

For this sub-clause substitute the following :—

'(9) " Person having interest " means in the case of maths the disciples of the maths, and in the case of temples, a person who has a right of attendance at the performance of worship or service in any temple or who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereat.'

" Sir, in the Bill as it stands now, the *maths* and temples have been mixed up. In the case of maths only, the disciples of the maths are interested, whereas in the case of temples, persons who have the right of attendance at the performance of worship or service may be called ' persons having interest.' In order to make this clear, I beg to move my amendment."

The hon. the RAJA OF PANAGAL :—" Sir, this question was discussed at the Select Committee stage and it was thought that a definition on the lines suggested by my hon. friend, Dr. U. Rama Rao, might not cover the cases of maths which had no disciples. It was pointed out that there were maths without disciples, and hence, in order to cover all those cases, the definition was widened."

Rao Sahib U. RAMA RAO :—" I think that the maths having no disciples must be exceptions to the rule. As far as I know, every math has got its own disciples. Unless it is distinctly laid down that in the case of maths, only disciples have got interest, I am afraid a lot of complications are sure to arise. As I am not satisfied with the explanation offered by the hon. Minister, I wish to press my motion to a division."

The amendment was put and lost.

27th March 1923]

Clause 5—cont.

(Amendment No. 40.)

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Sir, I beg to move—
Omit the words ‘ a disciple of a math or ’

“ Sir, my object in moving this amendment is this. In the case of *maths*, there are two difficulties. The first difficulty, as has been pointed out by the hon. the Minister, is that there are certain *maths* which have not got disciples. For instance, the Tiruppanandal *math* has got no disciples. The second difficulty is that it is not possible to specify who actually are the disciples. They may be only those who become *sanyasis* in the *math*. Again, a second class of disciples may be only those who get *diksha* or initiation according to the Saiva Siddhanta system. Lastly, the third class of disciples may be those who profess the Saiva Siddhanta religion. Thus there will be great difficulty in understanding the word ‘ disciple ’ as applied to *maths*, if the present definition is allowed to stand. So, something more definite is necessary to specify what exactly the word ‘ disciple ’ means. It is in that view that I want to omit the words ‘ a disciple of a *math* or ’ and also to take away the other qualifications mentioned in the definition which make it very difficult to understand the word ‘ disciple ’.

“ So far as *maths* are concerned, ‘ persons having interest ’ may be persons of the same persuasion to which the *math* belongs. I think if a definition to this effect is put in, it will obviate all the difficulties that I have already mentioned. As the House knows so far as the *maths* are concerned, they were founded only for the propagation of particular sects, and it is but natural that only those who follow the particular sect should be interested in the affairs of the *math*. It is with that view that I have given notice of the three amendments that stand against my name.”

The hon. the RAJA OF PANAGAL :—“ Sir, this question as I said was considered in the Select Committee stage and it was decided to make the definition as wide as it can possibly be. But if it is the intention of the hon. mover of this amendment to make the definition still wider, I would request your permission, Sir, to ask my hon. friend, Mr. Gopalaswami Ayyangar, to read the draft amendment which he proposes to move.”

The hon. the PRESIDENT :—“ If the hon. Member, Mr. Ramalinga Chettiyar has seen the new definition and is likely to accept it, the best thing for him would be to ask the leave of the House to withdraw his amendment and thus clear the ground for the hon. Member, Mr. Gopalaswami Ayyangar, to make his motion.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ I would like to suggest that in cases where the hon. the Minister wants to put in new clauses and new definitions in the Bill, it would be advantageous if these drafts are circulated either printed or typewritten to the hon. Members of the House. If they are read for the first time in the House, hon. Members may not at the spur of the moment be able to apply their minds and see to what extent the draft amendments proposed require modification.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Sir, I am sorry I cannot accept the definition as drafted. I do not know whether the hon. the Minister wants to stick to it. There is a difficulty in accepting this amendment.”

[27th March 1923]

Clause 5—cont.

The hon. the PRESIDENT :—" I cannot allow the hon. Member to discuss the contents of a piece of paper of which nobody is aware except the hon. Members, Mr. Ramalinga Chettiyar and Mr. Gopalaswami Ayyangar. The hon. Member, Mr. Ramalinga Chettiyar, must make up his mind and say whether he wants to press his motion. Any discussion on the amendment contained in that piece of paper can begin only after it is formally moved."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I would like to suggest that the best course would be to allow the hon. Member, Mr. Gopalaswami Ayyangar, to move his amendment as an amendment to my amendment. Then I may be in a position to say whether I can accept it or not."

The hon. the PRESIDENT :—" Does the hon. Member press his amendment ? "

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I am sorry I cannot really decide now whether I should press my amendment or withdraw it. If I find something satisfactory in the draft amendment which is in the hands of my hon. friend, Mr. Gopalaswami Ayyangar, I can withdraw my amendment. If I do not find anything satisfactory in that draft, my position will become difficult. As already suggested by me, if my hon. friend, Mr. Gopalaswami Ayyangar, is permitted to move his amendment as an amendment to my amendment, I can then say whether I accept the amendment or not. I have already explained the difficulties in the way of accepting a word like 'disciple.' I wish to know whether I will be in order in moving an amendment to the draft amendment to be proposed by Mr. Gopalaswami Ayyangar."

The hon. the PRESIDENT :—" I will consider that question when the new amendment is proposed."

The hon. the RAJA OF PANAGAL :—" In case my hon. friend Mr. Ramalinga Chettiyar is not going to withdraw, I am afraid I cannot accept the amendment as it has been presented to the House."

The amendment was put to vote and lost.

(Amendment No. 41.)

With the permission of the House, Mr. R. K. SHANMUKHAM CHETTIYAR moved the following amendment standing in the name of Mr. R. T. Kesavalu :—

For the words beginning with 'a disciple of a math' and ending with 'of gifts thereat' substitute the words 'any person professing the Hindu religion'.

In doing so he said :—" My object in moving this amendment is to make the provision of the Bill as drafted more consistent than it is at present.

" Clause 21 of the Bill says :

Every person shall be entitled to have his name included in the electoral roll of an electoral area if he professes the Hindu religion and possesses the qualifications prescribed for an elector of such area in Part I of Schedule I and if he is not subject to any of the disqualifications described in Part II of Schedule I.

27th March 1923] [Mr. R. K. Shanmukham Chettiyar]

Clause 5—cont.

So that a person who simply professes the Hindu religion can be a voter and he can become a member of the committee, he can become a trustee of a temple and he can even become a member of the Central Board.

“But from the way in which a ‘person having interest’ is defined, certain people who are professing the Hindu religion, but who
11-45 a.m. have not got a right of access to the temples, cannot have a voice in certain matters relating to the management of the temples. Clearly, in clause 49 (2) in the fixing of standard scales of expenditure in places of religious worship, it is laid down that :

The trustee shall publish such proposals at the temple and in such other manner as the committee may direct, together with a notice stating that, if within one month from the date of such publication any objection or suggestion is received from any person having interest, the committee will consider such objection or suggestion.

So that if a person professing the Hindu religion, but not having the right of access to a temple, thinks that a certain item of expenditure which is proposed by the trustee is illegal, or is not proper, he has not got any right of objecting to such an item. This point as to the exact nature of a ‘person having interest’ came up for decision in a case reported in 42 Madras, page 360. In that case the question was raised whether a person, simply by professing the Hindu religion, had a right of instituting a suit, or of interfering with the management of a temple under section 92 of the Civil Procedure Code, and it was held by the Chief Justice in the dictum reported at page 366 as follows :

I am however clearly of opinion that ‘the interest in the trust’ must still, in Lord Eldon’s words, be a ‘clear interest’, that is to say, a present and substantial, and not a remote and fictitious or purely illusory interest, and that, whilst indicating the necessity of taking a more liberal view than had been taken by our Courts in some cases, the legislature did not intend that we should go to the other extreme and allow any member of the Hindu and Muhammadan public to sue with the requisite consent in regard to every temple or mosque in British India.

The other Judge who sat, Justice Kumaraswami Sastriyar, said that any person professing the Hindu religion could interfere with the management of the temple. Under the Letters Patent this case was referred to a Full Bench and the Full Bench agreed with the view of the Chief Justice. Now, Sir, the definition of the words ‘person having interest’, as appearing in this Bill, enlarges the scope of this case which I just now quoted. I say, when once you have enlarged it, why not you also enlarge it to its logical consequence and have it as meaning not merely every person who has got a right of attendance at the performance of worship in the temple, but every person professing the Hindu religion shall have a voice in the management of the temple. In order to allay the feelings of the orthodox section among us, I may say that by changing the definition in the way in which I propose it to be changed, we will not thereby be giving a right of entering the temple to those who have not got any such right now, because it is specifically provided in clause 75 :

Save as otherwise expressly provided in or under this Act nothing herein contained shall affect any established usage of a temple or the rights, honours, emoluments and perquisites to which any person may by custom or otherwise be entitled to in such temple.

“Therefore, there is no fear, Sir, that in adopting my definition of the words ‘person having interest’, we will break the wall of orthodoxy and allow Panchamas to enter the temples. Only, to be more logical, and to push our democratic principle to its logical conclusion, I press my amendment.”

[27th March 1923]

Clause 5—cont.

The RAJA OF RAMNAD :—" Sir, I am afraid I must oppose this amendment. My hon. friend will at once admit that I am not a very orthodox Hindu, but all the same I must say that this amendment bristles with very many difficulties. Though not a lawyer myself, I think my hon. friend who is just a lawyer has quoted a decision which is quite against him. I fail to see why a person who has no right of admission into a temple should have a voice in the administration of the temple. Once he has a voice in the administration, he may appoint a trustee. What will be the position of the trustee? Will he be inclined to secure admission into the temple for the Committee Member or will he be opposed to it?"

Mr. R. K. SHANMUKHAM CHETTIYAR :—" As a matter of fact, person having no right of entrance can proceed under the present Act."

The RAJA OF RAMNAD :—" If that is so, it should be remedied, Sir. Any one who has had any experience of the southern districts will bear me out when I say that this will lead to considerable difficulties. In the first committee of which I had the honour of being the Chairman, and in the Select Committee, the matter of taking some steps in the direction in which my hon. friend from Coimbatore will like us to move was very seriously considered and it was thought better to leave matters as they were according to the local usage and customs. I am afraid if we are going to legislate like this giving permission to participate to classes who have no right of admittance now, it will lead to bloodshed and rebellion. I therefore very strongly oppose this amendment."

The hon. the RAJA OF PANAGAL :—" Sir, in spite of my desire to make the definition as wide as possible, I find that there are difficulties. Among those who profess the Hindu religion there are differences and it is those differences that are likely to lead to trouble. So, in order to avoid such trouble, the definition has been carefully worded. In these circumstances, Sir, I am very sorry that I am not in a position to accept the amendment."

The amendment was put and lost.

(Amendment No. 42.)

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg to move the following amendment :—

After the words 'service in any' insert the words 'shrine or shrines within the premises of any'.

" My object in moving this amendment is to enable some persons who may not have a right to worship in one particular shrine, but may have a right to worship in another shrine within the precincts of one and the same temple, to have the right of moving under the Act extended to them as well. I know, for example, there is a sacred shrine called the Kumaraswami temple in the Sandur State, and within that temple there are a number of small shrines. In a particular shrine a class of people are not allowed to go and worship, but in another they are allowed. So, I want these words 'person having interest' to include and apply to all the people who may have a right to offer worship in one or another of the several shrines within the precincts of the temple."

The hon. the RAJA OF PANAGAL :—" Mr. President, the amendment of my hon. friend from Bellary, if accepted, will narrow the scope of the present definition. Particularly in the case of *maths* it may not be that there are

27th March 1923]

[The Raja of Panagal]

Clause 5—cont.

shrines and even if there are shrines, it does not follow that every disciple of the *math* has a right to worship, or attend the performance of worship, in those shrines."

The amendment was put and lost.

New sub-clause after sub-clause (9).

(Amendment No. 43.)

Diwan Bahadur S. Rm. M. Ct. PETHACHI CHETTIYAR :—" Mr. President, in view of my having given notice to move an amendment for the formation of a ' disciples committee ' for the Saivaidhanta *maths*, I move the following amendment standing against my name :—

(a) *Insert the following as sub-clause (10) :—*

' (10) " Disciple of a *math* " means any person professing the same religious principles and following the same religious persuasion as the head of the *math* to which the matter relates.'

(b) *Re-number the subsequent sub-clauses.*

" In this connexion I may say that if my amendment for the formation of a ' Disciples Committee ' is not carried, the definition of ' Disciple of a *math* ' may be deleted."

The hon. the RAJA OF PANAGAL :—" Sir, it is unnecessary to accept this amendment. In fact, Sir, the definition that has been given of the ' person having interest ' in a way conveys the idea which my hon. friend wants to convey in this amendment."

Diwan Bahadur S. Rm. M. Ct. PETHACHI CHETTIYAR :—" Sir, whether it is necessary or unnecessary is a question which will have to be decided after the consideration of my amendment for the formation of a ' Disciples Committee ' is disposed of, and, as such, I think I must press my amendment."

The amendment was put and lost.

(Amendment No. 44.)

Sub-clause (11).

Rao Bahadur C. V. RANGA REDDI :—" Sir, I beg to move the amendment standing in my name, which runs as follows :—

*Omit the words ' and all gifts and offerings made to the head of a *math* as such '.*

" When gifts or offerings are made to the *maths*, I submit that it is not possible to say whether they are made to the head of the *math* in his personal capacity, or in his representative character, and it is therefore better to have these words omitted."

Rai Bahadur T. M. NARASIMHACHARLU :—" I also support this amendment, Sir, to omit the words :

And all gifts and offerings made to the head of a *math* as such.

[Mr. T. M. Narasimhacharlu]

[27th March 1923]

Clause 5—cont.

It will be remembered that the head of a *math* is the *guru* of a particular section of the people who follow a particular persuasion of the *Vedantic* philosophy. It is laid down in the *Dharma Sastras* that when you offer to the *guru* anything, you offer it as *dakshina*, i.e., as gift, and the ordinance of the *Smrithis* is :—

1. సర్వస్వం వా తదర్థం వా తదర్థాత్ ఆర్థమేవ వా ।
గురవే దక్షిణాం దద్యాత్ యథాశక్త్యపివా పునః॥
2. శరీరం ఆర్థం ప్రాణం చ సద్గురుభ్యో నివేదయేత్ ।
3. బ్రహ్మవిద్యాప్రదానస్య దేవైరపి న శక్యతే ।

"That being so, how can they be brought under the endowments and made to appertain to the *math*, or to the *sishtyas*, or to anybody else? The very mention of them in the definition is self-contradictory, because the words used are: all gifts and offerings which mean giving them absolutely. Therefore, how can they be said to belong to the religious endowment? You use the word 'gift' and yet say that it does not belong to the person to whom it is made. I submit, Sir, that even a layman would not have ever thought of bringing the gifts and offerings within the definition of 'religious endowment.' They belong absolutely to the *guru* to be used by no one except himself and therefore I say, Sir, that they shall not be included in this definition. There is also another difficulty with reference to this. If you include these things, then no disciple will make any offering to the *guru*, because by so doing it goes to persons to whom it is not intended to be given.

"Secondly, no *guru* will accept offerings hereafter. If a disciple goes to the *guru* with an offering, the *guru* will say, 'Why do you give it to me, go and make use of it for the poor or for anybody else. If you give it to me it will be taken for a religious endowment and used by those for whom it is not intended; and therefore do not encumber me with these kinds of gifts.' That will be the position of affairs and all disciples will request the *guru* not to accept the offerings and gifts, and therefore your 3 per cent will be so much less. Sir, I submit, both as a point of practicability and also as a point of obedience to our ancient *shastras*, let not these be included under the definition of the religious endowments."

The hon. the RAJA OF PANAGAL :—"Sir, I am in sympathy with the substance of the amendment, but I take objection to the language in which it is drafted. Therefore if the hon. mover withdraws his amendment, I will move an amendment with the same substance but in a modified form."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I should have no objection to the offer made by my hon. friend. As it is, we are now placed in a very difficult position not knowing what his amendment is, and asking an amendment of this character to be withdrawn. Therefore, subject to the condition that he would subsequently move it, we should like to know at this stage what his amendment is, for the purpose of enabling us to withdraw this motion."

The hon. the PRESIDENT :—"Probably the hon. Minister may say that it is his intention to move the amendment at a later stage in case the House should allow him."

27th March 1923]

Clause 5—cont.

The hon. the RAJA OF PANAGAL :—" It is my intention to move the following amendment if the amendment now before the House is withdrawn :

In clause 5 (11) for the words ' and all gifts and offerings made to the head of a math as such ' substitute the following :—It does not include gifts of movable property expressly made as personal gifts or offerings to the head of a math or to the archaka or other employee of a temple."

Rai Bahadur T. M. NARASIMHACHARLU :—" I have a very great objection to this amendment. It will be insulting to the sentiments of the disciple to go and tell the *guru* that this offering is not given to him. This is given to the math or this is given to him and not to the math. It is impossible to distinguish between the *math* and the head of the *math*. There is no *math* without the *matadhipati*. We do not worship the buildings but the *guru*. Therefore, any gift that is made, is made only to the *guru* and nobody else. I am sorry that the proposed amendment cannot be accepted."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, in the first place, I should like to inform the Council that we are guided by precedents of English law. I propose to quote the English law on the subject—my hon. friend was quoting from the Shastras—and that is—

all religious institutions which are supported by voluntary subscriptions and voluntary gifts are outside the pale and jurisdiction of the Charity Commission in England. In the case of charities maintained partly by voluntary offerings and partly by endowments, the jurisdiction only applies to the income from endowments to the exclusion of voluntary offerings.

The language is quite clear because what is given by these persons voluntarily is given by them subject to their own wishes and it cannot be a definite ascertainable amount and therefore the intention of the law is always not to subject these to the control of the Charity Commissioner. Sir, let us take the amendment that my hon. friend has proposed. Supposing a person goes to the Tirupati temple and pays about Rs. 5 to the hundi, he is to make a declaration, according to this amendment, expressly that he is giving it to so and so. In the amendment the word ' expressly ' is used. The person making a gift should expressly say that he is giving it to the head of the *math* or to the archaka and not to this man or that man. Therefore it is really making it impossible for every man who goes to a temple to make this express declaration. My hon. friend ought to see that on broad principles. These voluntary gifts to maths should be excluded altogether from the definition of the religious endowments. I believe the definition as proposed makes it more difficult than the original Bill itself because it wants an express declaration from the person giving it that he gives it to the persons concerned and not to the endowment or institution. On these grounds, I think that the omission is the better course."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" Sir, in order to make the position clear, my hon. friend, the Leader of the Opposition, should have made a somewhat close comparison between what is known as voluntary gifts in England and in this country. Whatever that may be, we know of cases in temples where people go and place their offerings in the hundi of which he was speaking. I have known cases where this hundi is taken in one case by the *archakas* and in another case by the *matadhipatis*."

Mr. P. SIVA RAO :—" Sir, is it permissible to talk about temples when the amendment does not relate to temples at all ? "

[27th March 1923]

Clause 5—cont.

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" I wish my hon. friend had that shrewdness to object when Mr. Ramachandra Rao referred to temples."

The hon. the PRESIDENT :—" The amendment is to sub-clause (11). This sub-clause does relate to temples as well as maths."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" Thank you, Sir. In fact, my hon. friend, Mr. Ramachandra Rao, raised the question of the Tirupati temple. In that very temple I saw cases where votive offerings were made. Some people made vows, according to their conception, to God; some gave offerings to the *archakas*, and some to the head of the place. In such cases, a distinction will have to be made. Sir, after all, with all respect that may be due to the *archakas* and the *mahants*, the person who makes the offerings wants only to please the God and not the man. When these offerings are made, the *prima facie* intention will always be that it is intended for God and not for man. If it is intended that a certain thing should go to God and not to man, express provision should be made for that. Because, after all, people going to temples are mostly illiterate. Some of them cannot make any distinction between one thing and another, and often prefer man to God. By all means it is open to offer to the God or to the *archakas*. But it is necessary that they should give expression to it."

Mr. R. SRINIVASA AYYANGAR :—" Sir, the amendment which is now engaging the attention of the House is to delete the words

'and all gifts and offerings made to the head of a math as such'.

" Sir, as a matter of common knowledge these matadhipatis do not insist on any offerings. Offerings are in a large majority of cases purely voluntary and it is a matter between the giver who is a disciple and the taker who is the *guru*. And with respect to that matter, I submit, it will be unfair, impolitic and unwise that any other third party should claim to have a right of control or be allowed to exercise any control over it.

" Sir, these offerings may take any form or shape. They may be in kind, they may be in cash, they may be in the nature of a shawl or a *paduka* similar to the one presented to His Holiness the Jeeyar when he visited South Arcot. There is also considerable danger in bringing within the limits of religious endowments voluntary offerings made for the satisfaction of the *guru*. Because all these offerings are, if I may say so, to be viewed as the meritorious acts on the part of the giver to propitiate or to invoke the grace or the blessings of the *guru*. If these are to be brought within the pale of the endowments, there is the danger of these offerings being appraised at their value for the purpose of enabling the central board to claim $1\frac{1}{2}$ per cent contribution thereon. In other words, if out of piety or feelings of reverence to my *guru*, I place Rs. 10,000 at his disposal, it will be open to the central board to claim out of it Rs. 150 as contribution to it. As a matter of fact, if I am called upon to make that contribution I may decline to do so. So, what I would refuse to give, the committee will be indirectly enabled to take, by these offerings and gifts being brought within the purview of this Bill. Therefore it is absolutely necessary that the gifts and offerings made to the head of a *math* as such should be excluded. I would even say that their inclusion will be mischievous."

27th March 1923]

Clause 5—cont.

Mr. P. SIVA RAO :—" Sir, I am strongly in favour of the amendment that has been proposed by the hon. Member, Mr. Venkatarangareddi. Sir, there is one main reason why these offerings should be excluded from the operation of this Bill. It is this: when a person, a devotee or a disciple makes *padapuja* or makes gifts or offerings to the head of a *math* out of personal devotion or personal veneration, he never dreams that he will be, by so doing, creating any trust thereby and he makes that gift with the absolute intention that it should be at the absolute disposal of the *matadhipati*. There is evidently no ghost of an idea of creating a trust in a matter like this. Now, Sir, it would be the height of injustice that even the *padapuja* should be included in the definition of a religious endowment.

"Then, the amendment which the hon. the Raja of Panagal intends moving has absolutely no merit. It will only lead to all kinds of complications by asking an ordinary man or a devotee when he makes these gifts or offerings to make an express declaration that his offerings or gifts are meant for the present head of the *math* or for the God or for the deity enshrined in the *math*. First of all, there is the difficulty of maintaining a record that any gift was made with any particular declaration and all that. For all these reasons it is necessary that the offerings made to the head of a *math* should be omitted.

"Sir, I do not quite understand why there was any discussion about temples at all. Even under the present law, offerings made to the head of a *math* are supposed to be at the absolute disposal of the *matadhipati* for the time being. This amendment has reference only to *maths*. I think, therefore, that any discussion of a temple is out of place in discussing an amendment of this sort. It applies only to offerings made to the head of a *math*."

Rao Bahadur C. VENKATARANGA REDDI :—" I do not know what the hon. the Raja of Panagal's amendment is. A good deal of consultation is going on. I do not know what the amendment itself is."

(The amendment of the hon. the Raja of Panagal was handed over to Mr. Venkataranga Reddi.)

12-15 p.m. Rao Bahadur C. VENKATARANGA REDDI :—" I beg to withdraw my amendment."

The amendment was by leave withdrawn.

Mr. P. SIVA RAO :—" There are other identical amendments. Can the hon. Member be allowed to withdraw his amendment?"

The hon. the PRESIDENT :—" Several gentlemen have tabled a single motion. When the hon. Member whose name appears first was called, he made the motion and others supported him. Of course, it was open to other hon. Members to object to the mover being allowed to withdraw the motion when I asked the House whether it was their pleasure to allow him to withdraw his motion. Now there is no use of saying there are other people who have given notices of identical motions and that therefore they should be allowed to start the discussion again."

The hon. the President called on Mr. C. V. Venkataramana Ayyangar to move the next motion.

[27th March 1923]

Clause 5—cont.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" May I point out, Sir."

The hon. the PRESIDENT :—" Order, order. In future, it will be convenient if, whenever I call upon an hon. Member, he speaks at once. Of course, any point of order may be raised by another hon. Member. But to do anything like pointing out to me how I should conduct the proceedings and so on, is wholly irregular."

(Amendment No. 45.)

Mr. C. V. VENKATARAMANA AYYANGAR :—" I beg to move—

For the words 'and all' substitute the words 'but not the gifts or offerings of money or cloths'.

I am not going to be very long in my speech. But I think the amendment which the hon. the Minister has the intention of moving seems to be wider than my amendment. I am only anxious that there must be some exclusion of the offerings and gifts made to the head of a *math* as such. In spite of the amendment of the hon. the Minister, there will be a considerable amount of difficulty if we do not modify the first portion of the clause. Therefore I say that there should be some exclusion and for this purpose, if the hon. the Minister is going to amend the clause as he has just now proposed, I have no objection to withdraw my amendment. Anyhow to avoid all troubles, I would respectfully ask the hon. the Minister in charge to take out the word 'expressly' or to allow my amendment. I formally move my amendment."

The hon. the RAJA OF PANAGAL :—" I am not very keen about the retention of the word 'expressly'. I think the word 'personal' connotes the very idea which the word 'expressly' would convey. It was simply to emphasise that connotation I used the word 'expressly'. Now, if the hon. Member is very anxious to drop that word, I have no objection."

The motion was by leave withdrawn.

(Amendment No. 46.)

The hon. the RAJA OF PANAGAL :—" This is the amendment which I intended to move which I formally move now :—

In clause 5 (11) for the words 'and all gifts and offerings made to the head of a math as such' substitute the words 'but does not include gifts of moveable property made as personal gifts or offerings to the head of a math, or to the archaka or other employee of a temple'."

Rai Bahadur T. M. NARASIMHACHARLU :—" I would only request the hon. the Minister to omit the word 'personal' also."

The hon. the RAJA OF PANAGAL :—" That cannot be done."

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—" When Mr Krishnan Nayar moved on my behalf an amendment purporting to the definition of the word 'income', he was told that at the time of dealing with the clause with reference to religious endowments, a motion for the definition of the word 'income' might be brought. In order to avoid any differences of

27th March 1923] [Mr. T. Namberumal Chettiyar]

Clause 5—cont.

opinion that might arise with regard to the interpretation of this word, may I urge on the attention of the House that the word 'income' should be defined? The definition must convey some idea of the income which the amendment purports to convey. The meaning of the word 'income' as an ordinary business man would understand is purchases *minus* sales, or sales *minus* purchases. That meaning should not at all be applied in the case of temples. In this connexion I may refer to an instance: A lady made a gift of Rs. 1,000 to Vanamamalai Swami when His Holiness was passing through Triplicane, with a request that it should be devoted for making a silver peetam to be used by His Holiness when distributing Sreepada Thertham. Another instance is, a Dubash of Messrs. Parry & Co. handed to a Darmakartha a large sum in Government paper with a request to utilize the interests therefrom for feeding Athithi pilgrims daily. Such sums should not be treated as income nor percentage claimed thereon for the maintenance of the Board to be constituted under the Bill.

"I have therefore taken care to give a definition of the word 'income' to make it clear that such sums as specified above are to be excluded."

The amendment was put to vote and carried.

Sub-Clause (12).

(Amendment No. 47.)

Mr. T. SIVASANKARAM PILLAI:—"I beg to move—

After the words 'means a place' insert the words 'tree, well, stone or other thing.'

"Sir, the places of worship are many. There are stones, there are trees, and there are wells which are used as places of worship. Therefore in order to include them, I move this amendment."

The hon. the RAJA OF PANAGAL:—"I am not prepared to accept it."

The motion was put to the vote and lost.

(Amendment No. 48.)

Sriman SASIBHUSHAN RATH Mahasaya:—"I beg to move—

After 'public religious worship' insert the words 'of any image, idol, sign or symbol.'

"This amendment is moved with a view to show that those places where images or symbols are not worshipped should be excluded from the purview of this Bill. Sir, in Ganjam and Vizagapatam districts and also in the Uriya tracts there are certain classes of institutions called Bagavatha Mandhis. They are places where there are no idols or symbols of worship. The people of the villages meet only to read the Purana. They also meet after their day's labour to decide certain village matters. Therefore these Bagavatha Mandhis cannot be called temples. They should be excluded from the scope of this Bill. There is no sign or symbol in those institutions, although the people may keep some lights burning there or have their books from which the Puranam is read. Under these circumstances, I suggest that a provision should be inserted in order to omit such classes of institutions. In this connexion I may also refer to another fact, namely,

[Sriman Sasibhushan Rath Mahasayo] [27th March 1923]

Clause 5—cont.

that there are in this country Brahma Samajas and Prarthana Samajas which will also have to be included according to the definition of the clause as it at present stands. Will it be contended seriously that those also should be included? In view of all this, I think it is but fair that my amendment should be accepted."

The hon. the RAJA OF PANAGAL :—"I do not think the amendment is called for. As the clause stands at present, the definition refers to places of worship. The objects of worship may be anything, from nothingness to everything. In the case of Chidambaram temple it is mere nothingness that is worshipped. Therefore I cannot accept the amendment."

Sriman BISWANATH DAS Mahasayo :—"The definition given in the Bill would not have been contended for unless special difficulties had been observed. In Uriya tracts we have in every village what is called Bagavatha Mandhi. All the village people gather there in the evening after their hard day's labour for the purpose of reading the Purana which is kept there. Sometimes, all the villagers and even some outsiders contribute very large sums of money for performing the annual *utsavams*. I am afraid that a strict construction of the definition would bring these Bagavatha Mandhis under the purview of this Bill, and therefore I think it is desirable that they should be excluded from its operation. In that view I support the motion."

Sriman SASIBHUSHAN RATH Mahasayo :—"Just a word, Sir, about the Chidambaram temple about which mention was made by the hon. the Raja of Panagal. I have heard about it and I am informed that there is no idol or symbol there. If he is afraid of the Chidambaram temple he may bring in an amendment for that and accept my amendment. In every village there is a Prarthana Samaj and Brahma Samaj and therefore there is a larger question involved."

The hon. the RAJA OF PANAGAL :—"I am afraid, Sir, my hon. friend has altogether misunderstood me. I simply said that the definition as it is covers everything subject to worship."

Sriman SASIBHUSHAN RATH Mahasayo :—"Therefore I do not want that the definition as it is should bring in Brahma and Prarthana Samajists together. I want that it should be applied only to temples except in the case of Chidambaram."

Diwan Bahadur R. VENKATARATNAM NAYUDU :—"With your permission, Sir, I will say one word with reference to the point raised by my friend Mr. Ratho. As a member of the Brahma Samaj itself, I feel that there would be no trouble if in any distant future the community were to be recognized as a distinct section of the Hindu community. Just now we are untouchables. I hope we shall have our entry also into Hinduism (hear, hear). If that day comes, then, instead of moving for an amendment, it is better the community is treated according to the existing law. If these Prarthana Samajams and Brahma Samajams should have endowments—which they have not now—big enough, then it will be all the better that they are brought under the operation of this Bill; because a member of the Brahma Samaj would be the first to wish that surplus money should be spent upon philanthropic and beneficent objects. If on some day there should be a Brahma priest, he should require only such allotment as a real minister of religion would do for his

27th March 1923] [Mr. R. Venkataratnam Nayudu]

Clause 5—cont.

bare living and mere sustenance, and he should welcome this measure. At present there is no necessity for being anxious about the future."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"The apprehension of Mr. Ratho seems to be that the Prarthana Samajams and Brahma Mandirs where Puranams are read would be brought within the purview of this Bill where regular worships such as are performed in temples are not performed. But, so far as I can see, the words 'public religious worship' will not be applied to cases where Hindu Puranas are read or to assemblies where *Kalakshepams* are performed. I therefore think that my hon. friend need not entertain such apprehensions."

Sriman SASIBHUSHAN RATH Mahasaya :—"I am advised by the Leader of the Opposition to withdraw the motion and I do so."

The amendment was by leave withdrawn.

(Amendment No. 49.)

Mr. C. V. VENKATARAMANA AYYANGAR :—"I formally move, Sir—

Add at the end the following :—

'but does not include a *math* or an excepted temple.'

"I am not particular about excepted temples. I will be satisfied if it does not include maths. The definition of temple might also cover maths. I leave it to the hon. Member in charge."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—"Sir, I have only to explain the definition of *maths*. Temple includes both the excepted and the non-excepted temples. That part of the amendment the hon. Member has already withdrawn. So far as the definition of temple is concerned, I do not think there is anybody holding that the definition as it stands will include *maths*. The hon. Member moved an amendment yesterday, Sir, for the omission of the words 'other than temples' in the definition of maths in sub-clause (7), clause 5, but the motion was defeated. After this explanation that I have given I hope the hon. Member will see the justification for withdrawing the motion."

Mr. C. V. VENKATARAMANA AYYANGAR :—"If he still thinks so, I will withdraw."

The motion was by leave withdrawn.

(Amendment No. 50.)

Mr. K. PRABHAKARAN TAMPAN :—"I move—

Add at the end the following :—

'but it shall not include any place intended for the worship of private deities, though such places might be left open for public worship.'

This again refers to Malabar. Each big *tharwad* has got some temples attached to it. Generally, anybody who lives in the neighbourhood and

[Mr. K. Prabhakaran Tampan]

[27th March 1923]

Clause 5—cont.

does not belong to a lower caste than that of the owner is admitted to it. It is a difficult matter to say whether such people come there as a matter of right or as a matter of courtesy. They do not contribute anything towards the maintenance of such temples. Therefore, in order to make the definition clear it is advisable that my amendment should be accepted."

The hon. the RAJA OF PANAGAL :—"Sir, this amendment is absolutely unnecessary especially in view of the amendment notice of which my hon. friend, Mr. Govindaraghava Ayyar, has given."

Mr. K. PRABHAKARAN TAMPAN :—"If the principle is accepted I do not see why it should not be accepted."

The motion was put and lost.

(Amendment No. 51.)

The hon. the PRESIDENT :—"I understood in the course of the debate in connexion with the amendment moved by Mr. Ramalinga Chettiyar that the hon. the Raja of Panagal expressed his intention to move for some change."

The hon. the RAJA OF PANAGAL :—"With your permission, Sir, I will move the amendment which I propose to move in place of the amendment of Mr. Ramalinga Chettiyar."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I rise to a point of order. The clause relating to persons having private interest has been passed. It is with reference to that my hon. friend is now moving."

The hon. the PRESIDENT :—"We are taking only sub-clause after sub-clause. Till the clause as a whole is passed it is open to any hon. Member to re-open the question of any sub-clause. So I ask him to move the amendment."

The hon. the RAJA OF PANAGAL :—"The amendment I intend to move runs as follows :—

Substitute the following for sub-clause (9) of clause 5 :—

' Person having interest means

- (a) in the case of a math, a disciple of the math or a person of the persuasion to which the math belongs ; and
- (b) in the case of a temple a person who is entitled to attend at the performance of worship or service in the temple or who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereat."

The hon. the PRESIDENT :—"Probably hon. Members will like to have copies of this. I hope the Leader of the Opposition has seen it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I have seen it, but other hon. Members would like to have copies of it."

The hon. the PRESIDENT :—"Very good. In order to save time I think we may well leave it as it is and then deal with it after supplying the copies. Half an hour hence we will take it."

27th March 1923]

Chapter II.

(Amendment No. 52.)

Sriman SASIBHUSHAN RATH Mahasayo :—" I move—

Omit this chapter and re-number the subsequent chapters and clauses.

This chapter relates to the Board of Commissioners."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I point out, Sir, that it will be more convenient if, instead of having a discussion on the whole chapter, we confine to a general discussion on clause 6? The subsequent discussion on the other clauses might go on then. There are a large number of amendments. One of them relates to the Board and the others seek to modify the Board. Therefore, I suggest that the necessity for the Board may be discussed under clause 6 and the other points might be discussed in their appropriate places."

The hon. the PRESIDENT :—" The idea with which this motion was given precedence was that if the House decided to omit the whole chapter, there would be no necessity for the other motions. As a matter of convenience, the general question about the need for the Board of Commissioners may be discussed now. When vote is taken upon it, no attempt should be made afterwards to repeat those arguments. Any motion that might be taken up afterwards will solely be about matters of detail such as constitution and other things. The understanding is that the House should not again discuss the general question when dealing with the specific amendments. It should be understood that after this thing is over, we will again take up clause 5."

Sriman SASIBHUSHAN RATH Mahasayo :—" The first reason why I move the amendment is that this Board of Commissioners was not contemplated when the Bill was originally framed. It is only an after-thought and has been introduced in the Select Committee stage. The country has not had sufficient opportunity to give its opinion on this matter. The newspapers may have done something ; but, so far as our constituencies are concerned, they have not been able to give any opinion with regard to this matter of the Board of Commissioners. The guidance and the co-ordination that this Board of Commissioners is expected to undertake can be easily done by the District Courts. There is no necessity to have this extra institution. It costs us lakhs of rupees. People will have great difficulty in coming to Madras and this Board itself will find it difficult to go to the various districts to decide questions with regard to temples and *maths*. This Board is quite unnecessary and it is up to us to see that this chapter is deleted."

Mr. R. SRINIVASA AYYANGAR :—" Mr. President, I have tabled a similar amendment and I should like to say a few words in support of this motion. It seems to me that this chapter, which was not found in the original Bill and which I am inclined to characterize as the off-spring of the labours of the Select Committee, must go and must inevitably disappear on the ground that it is not necessary and on the further ground that it will entail heavy expense on the several institutions concerned. So far as this chapter goes, it vests the Central Board with enormous powers over a lot of things. The Board is given the power of nomination, the power of checking

[Mr. R. Srinivasa Ayyangar]

[27th March 1923]

Chapter II—cont.

registers, power over the trustees, power to settle schemes to come before courts and to apply to courts to sanction such schemes, power to move the courts for utilizing or diverting any surplus funds, and so on. Therefore, for the first time in the Statute Book of this country, a new machinery, to which we orientals have not been accustomed, is sought to be set up, supplanting an older machinery, which so far has been found not wanting and which has, if I may say so, inspired the confidence of the country or, in other words, in which people have greater confidence. The machinery which has given us immense satisfaction is sought to be replaced by a machinery of a different character, great complexity and greater expense—a machinery of doubtful utility or utility which has hereafter to stand the acid test of time. Is there any justification for erecting or installing such a heavy and costly machinery and for arming it with enormous powers which, far from minimizing the strife, will really introduce complications? The powers are very extensive and to the extent to which the Board will have the right to claim contributions from *maths* and excepted temples, I venture to submit, the Board will cause a drain upon the otherwise slender resources of these institutions.

“That this question is likely to lead to a great deal of trouble and that this provision will be viewed as really a contentious one, is apparent from the observations to be found in paragraph 8 of the Select Committee’s report, where it is stated :

To the machinery of control provided in the original Bill we have by a *majority* decided to add a Central Board or Boards on the lines of the Charity Commissioners in England.

“I lay great stress on the word ‘majority,’ for it indicates a strong divergence of opinion; at any rate, there was not unanimity on this point. The report continues

A Board will essentially be an administrative body.

“In other words, an administrative body is sought to be ushered into being for the purpose of sitting in judgment for the better governance of these religious institutions. The question is, whether there is any necessity for this. I think it also necessary to point out the danger of our slavishly following or imitating the western models so far as religious matters and religious tenets are concerned. In respect of this matter we are entitled to claim that our system is by far the best and remarkable. We all know that most of these local institutions are being managed, as everybody knows, by honorary workers as a work of love. In these days of decentralization, I must enter my most emphatic protest against any idea of centralizing and vesting extensive powers in a body which is to be paid not by the State but by some other agency. Moreover, the idea at present is to have only one single body for the entire province. There are *maths* and *maths*, temples and temples, religious institutions and religious institutions, the usages and customs of which are entirely different. To set up one central body to deal with and dispose of various matters connected with *maths* dealing with various systems of philosophy, governed by different codes of morals—keeping all the *maths* and other institutions under the control of one secular body—is something to which I find myself unable to give assent. The constitution of the Central Board is undesirable on account of its inordinate cost and the unnecessary complexities which it will introduce into the administration of religious institutions, where, if at

27th March 1923]

[Mr. R. Srinivasa Ayyangar]

Chapter II—cont.

all, simplicity, directness and thorough absence of red-tapism are so essential. Moreover, a central authority for the entire province will find the work unwieldy besides lacking in local knowledge and influence which are indispensable in dealing with questions that arise for its consideration. The inconvenience and trouble that the parties concerned will have to undergo, in having to approach the Board situated in Madras, will be enormous. The cost of the machinery will, I venture to submit, make it a real white elephant. In this connexion, I think I can do no better than quote the opposition view, which has been summarized by Sir Muttuswami Ayyar's Committee at page 87 of the book supplied to us. It is stated there :

On the other hand, it was held that centralization of authority would be prejudicial to the growth of a capacity of Local Self-Government; that the large salaries paid to the members of the Central Board would be a heavy tax on temple funds; and that the appointment of a Central Board would introduce an elaborate and complex machinery and lead, in course of time, to a harassing amount of interference with local agencies.

“There the danger signal is given; and, is it right, is it necessary, is it expedient and do circumstances warrant to create a Central Board and force it upon these religious institutions? Therefore, I appeal to the House that no case has been made out for the constitution of the Central Board which, far from serving any real necessity, is likely to operate as a drain to the extent of 2 lakhs of rupees a year.”

Diwan Bahadur S. Rm. Ct. PETRACHI CHETTIYAR :—“Sir, the Central Board proposed by the Select Committee is one involving a very heavy expenditure which has to be borne by *maths* and temples. As the office of the Central Board now proposed is to be located in Madras, it places the several applicants, complainants and witnesses, etc., of the various districts under a considerable hardship, personal trouble and inconvenience, besides forcing them to spend more moneys on litigation than would be the case, if such petitions, complaints, etc., were disposed of by the respective district and subordinate courts.

“If the mover of the Bill should say that, as it is contemplated by the Bill itself, some more Central Boards may be formed for the convenience and comfort of the public, then I will have to point out that, although this may give some relief to the public, still the expenses for the maintenance of such Boards will only become greater and thereby it will only mean an additional taxation on the Religious Endowment funds. Instead of wasting the trust funds by forming and maintaining such Central Boards, I think it would be much better to utilize all such money for some useful public purposes, as was proposed by the hon. the Raja of Panagal in chapter IV, section 33 of his original Bill.

“The Board can easily be replaced by vesting the powers, as far as it is necessary, in the independent judicial officers, viz., District Judges and City Civil Judge. A few of the members of the Council seem to be of opinion that the Central Board will help to minimize the legal charges of these institutions in disputes of their own and that there would be no harm if the *maths* are made to contribute a small percentage of their income, considering the considerable wastage of money in purposes other than those for which the trust properties were intended. Sir, I am not prepared to agree with this opinion of theirs; for, I am quite aware that they think of

[Mr. S. Rm. Ct. Pethachi Chettiyar] [27th March 1923]

Chapter II—cont.

only one or two *maths* which might have misused the trust funds in the said undesirable manner; besides, I cannot understand how any incidental disputes of these *maths* can be avoided by the existence of a Central Board.

“Further, many temples which are deprived of their landed properties and always remain crying to have a small increase in the mohini allowances cannot afford to contribute even one-hundredth of what is now proposed to be taxed on them by this Bill.

“Sir, some hon. Members of this Council say that the Commissioners of the Board may be honorary and elected officers and some others propose that their remuneration may be reduced. But, Sir, with due deference to their views, I have to point out that though the expenditure in connexion with the Board is curtailed to a certain extent as far as the remuneration of the Commissioners is concerned, still the expenses on behalf of the staff of this Board and the unnecessary and enormous expenditure on the part of the public seeking the help of the Board in litigations, etc., will not at all be minimized in any way.

“When taking into consideration the facts that with a defective and blind Act of 1863, the several Hindu temples are still preserving their sanctity and that some of them are even now administered satisfactorily—though this may be due to the very large donations and offerings towards the upkeep as well as the princely contributions towards the renovation of temple buildings—the provision for the formation of a Central Board in this much improved Bill, which gives enormous powers to the Temple Committee, should be considered superfluous and unnecessary. For these reasons, the abolition of the Central Board and the replacement of the same by the judicial officers with the necessary and limited powers is a main change that is desired widely by the public at large.”

Rai Bahadur T. M. NARASIMHACHARLU :—“Sir, I also support the deletion of this chapter relating to the establishment of the Board of Commissioners.

1 p.m. In doing so, I shall confine my remarks to the position which this Board of Commissioners will occupy in connexion with the *maths* in general. No doubt *maths* have been included in the scope of this Bill, but I would request the hon. the Minister to spare them the further humiliation of being controlled by a Central Board. I would rather like them to be controlled, if control was necessary, by the Government or the Court which represents the King for administering justice. Another reason why I do not like the Board of Commissioners is on account of the position it will occupy. Clause 8 says that the Commissioners shall be persons professing the Hindu religion. That is all. They need not perform the rites and duties enjoined on them by the Hindu Sastras; they need not be learned in the Sastras; they need not have respect for or faith in our religion; it is enough if they simply say that they are Hindus. Then what is the other qualification insisted on for the president? He shall be a barrister or a judicial officer or a High Court pleader of certain years' standing. I think, Sir, that of all the humiliations that can be heaped upon the heads of *maths*, the placing of a barrister or of a pleader of certain years' standing to superintend over them, is the worst (hear, hear). If it is said that the president is to be a Mahamahopadhyaya or some other person well versed in Sastras, such an appointment will be welcomed.

27th March 1923] [Mr. T. M. Narasimhacharlu]

Chapter II—cont.

“ Clause 14 says that the general superintendence of all religious endowments within the territorial jurisdiction of a Board shall vest in such Board ; and we know what general superintendence means. It means superintendence over everything. Not only that. The heads of the maths will be required under the Bill to prepare and submit accounts and statements to the Board. If the submission of accounts was to the Government, certainly I should have no objection, because Government is impersonal. But the Board of Commissioners is personal ; it will be composed of persons who will command the patronage of the Minister in power (hear, hear) and who will draw fat salaries and allowances. It is inconceivable that a layman should try to control and issue orders to the heads of maths who have been their own trustees hitherto, and who hereafter will be required to carry out the orders of the Board and act in accordance with their directions. Under clauses 58 and 59, the Board can make enquiries and frame schemes and so forth, and if it comes to the conclusion that a particular head of a math should not be there, it is empowered to institute proceedings to remove him. These are all quite new experiences to the heads of maths who have been without any control except the control of their own exalted conscience and the public opinion of the disciples. These have been the only safeguards till now, and, what is more, the maths were getting on very well with them. Now that the Board is given the power of supervision over their affairs, I consider it improper for any Hindu ministry to impose all these restrictions on the freedom of the heads of maths. Therefore I say let us spare these further humiliations to the heads of the maths by omitting this chapter altogether.

“ Again, Sir, this Board is not to work gratis. A contribution of $1\frac{1}{2}$ per cent is to be levied from all the maths on their gross income, not even net income, for the upkeep of this Board which is not at all wanted and which is quite unnecessary. Moreover such a sort of centralized authority is opposed to all modern principles of democracy. Therefore the best thing would be to constitute the disciples of each math as a sort of Board. That at least will be tolerable, because those that are interested in the math will then constitute the advisors of the head of the math. We have not got even that consolation. The proposed Board will consist of men who have no faith or respect for these heads of maths and will domineer over them, so to say. So it will be extremely unwise to constitute such a Board.

“ We can labour the point to any extent and for any length of time, but our time is very short. Therefore I would entreat the hon. the Minister to devise some other means of control over these maths than the one that is proposed in this chapter.”

MR. P. SIVA RAO :—“ Sir, I have sent notice of a similar motion relating to the constitution of this Board of Commissioners. It must be remembered that when this Bill was introduced first in this Council there was no provision whatever for the formation of this Board. It was said yesterday that the first impressions were always the best impressions, and it has turned out to be so even in this case. The Board of Commissioners was an after-thought which originated in the Select Committee, and I am not in a position to make out what were the grounds for departing from the provisions of the Bill as introduced for the first time in this Council.

[Mr. P. Siva Rao]

[27th March 1923]

Chapter II—cont.

My objection to the inauguration of this Board is mainly on the score of expense. This matter came up for discussion even in 1894 before a Committee presided over by Sir T. Muttuswami Ayyar; the *pros* and *cons* were carefully considered, and the idea was given up in deference to the instructions of the Government of India. Even now I think that it is very likely that the Government of India may refuse to give leave to the introduction of this Bill. We are all aware that this new provision has been sent up to the Government of India, and in all probability—and I very much wish it—this provision relating to the Board of Commissioners will be chucked out” (laughter).

The hon. the RAJA OF PANAGAL:—“ May I know, Sir, whether the hon. Member would stand by the opinion of the Government of India ? ”

Mr. P. SIVA RAO:—“ That question I am not in a position to answer. From the way in which the question is asked, it looks as if the hon. Member has received their opinion.

“ I should view this question on its own merits, independent of the opinion of the Government of India or any committee that may have been appointed at any time. The foremost objection to the constitution of the Board is its enormous expenditure. It is a costly pageantry without any corresponding advantages. Under clause 6, power has been taken by the Local Government to direct the constitution of a Board for the whole Presidency or any specific part thereof. Now the Government may be satisfied with the constitution of a Board for the whole Presidency. To-morrow or some time later they may say that the whole Presidency cannot be managed by one Board and they may want to multiply it. I do not know where this policy would land us. As it is, it is calculated that the Board would cost about a lakh of rupees or a lakh and a half. For this purpose, it is proposed to levy a contribution of $1\frac{1}{2}$ per cent from the maths and temples concerned. Now, on the score of expenditure, I strongly object to the formation of this Board, nor do we think it proper that the temple funds should be devoted to such purposes. There is another point. In these days, when everything is tending towards decentralization, this proposal for over-centralization by the appointment of a Central Board seems to be quite against the spirit of the times. There is yet another objection. I would ask in all fairness whether it is possible for the Board constituted at Madras to supervise all the religious institutions in our Presidency, to supervise all the concerns of all the religious institutions of our Presidency. It is much better to leave it to the local committees or to the district courts, and they will be best able to solve the difficulties that crop up then and there.

“ Again, Sir, this Board, as it appears from the provisions of this Bill, is more a judicial body than an administrative one. I also see a tendency to discredit the working of the law courts, the regularly established civil courts of the land, by transferring all these powers to this new body. The qualification prescribed for the chairman of the Board is that he must be either a barrister or a High Court official or a judicial officer. Personally, I am glad that one more avenue is created for the members of the legal profession. But I agree with the hon. Member from Cuddapah in saying that a barrister, a lawyer, is not the officer solely qualified to be the chairman of a Board like this. I should very much like that this body is presided

27th March 1923]

[Mr. P. Siva Rao]

Chapter II—cont.

over by one who is acquainted with the customs and usages of the religious institutions of this country. There is also another difficulty. If every matter has to be referred to the Board of Commissioners established at Madras, just consider the enormous expenses which the rival claimants or disputants will have to undergo in bringing their cases to a central and distant court.

“Nowadays, I observe one tendency in almost all the Bills that have come up before us, namely, a tendency to create certain costly appointments and impose additional burdens on the revenues. Only the other day, in the University Reorganization Bill, we had the costly appointment of a Vice-Chancellor. The present Bill provides for three to five Commissioners who are sure to consume about Rs. 800 each per mensem and a chairman of the Board who is likely to consume Rs. 1,200 per mensem from the math and temple funds. I therefore seriously object to the formation of this Board of Commissioners.”

1-15 p.m. The hon. the RAJA OF PANAGAL :—“Mr. President, both in the minutes of dissent submitted by the hon. Members of the Select Committee and in the speeches which the hon. Members opposite have made in the course of the present debate I have been at considerable pains to see if there is anything to justify the alarm which the hon. Members have raised in regard to the constitution of a Board of Commissioners. Sir, a great deal of ingenious reasoning and astounding eloquence have been brought into play by hon. Members to make out a case that the Boards are not desirable. They have adduced various arguments against the constitution of these Boards. But, Sir, I confess that though I have been closely following their arguments, I have yet to come across an argument which really justifies the apprehensions of the hon. Members. Sir, it has been said that the late Sir T. Muttuswami Ayyar, although he attempted to advocate the constitution of a Board of Commissioners in his first Bill, did not advocate its constitution in his second Bill, and that that shows there was a change in his opinion since later on he thought that the constitution of a Board of Commissioners was unnecessary. Sir, if only we examine the reasons why he did not provide for the constitution of a Board of Commissioners in his second Bill, we shall be convinced that far from being against any such constitution he was more in favour of it; only he was under a disability. He was under a mandate from the Government of India not to introduce anything new but to be content with the amendment of Act XX of 1863. Sir, that was the reason why, although he was very much in favour of the constitution of a Board, he did not introduce the system of Commissioners in his second Bill.

“Secondly, Sir, my hon. friend from Bellary (Mr. P. Siva Rao) said that the Government of India had expressed themselves against the constitution of the Board, and that that was one of the reasons why we should not introduce the system of Commissioners. Now, Sir, I shall read from a Government Order of the Government of India where they say :

The policy of Act XX of 1863 should be maintained. . . . The proposals of Sir William Robinson, which involve no direct interference with the administration of the endowments by the European officers of the State, provide that the duty should be entrusted to a strong native Board exclusively devoted to the work and armed with full powers to enquire into and obtain redress for abuses of authority by the local management.

[The Raja of Panagal]

[27th March 1923]

Chapter II—cont.

“Sir, is there any reason now to think that the Government of India will not stand by that opinion? Again, I refer my friend to the opinion which the late Sir T. Muttuswami Ayyar, Sir Subrahmanya Ayyar, Sir Sankaran Nayar and a number of other eminent men have conjointly expressed:

Although we are strongly of opinion that a Central Board would most effectively remedy the evils that exist, yet in accordance with the instructions of the Government of India, we have avoided proposing a Central Board.”

Rai Bahadur T. M. NARASIMHACHARLU:—“They had not then in their minds the idea of including maths.”

The hon. the RAJA OF PANAGAL:—“I am sure, Sir, my hon friend is not quite correct, because some of those Bills did include the maths. If only we examine that statement by Sir T. Muttuswami Ayyar and others, we shall come to know that even they wanted to have the maths included, but they could not do it.

“The next argument was based on the costly nature of this machinery. But, Sir, if you consider the cost that is incurred at present in endless litigation in connexion with the management of temples and maths, you will observe that the cost will be very much less and that the whole process of litigation will be greatly simplified by the introduction of this Board. So, instead of the machinery being costly, it will minimize the cost of the management of these maths and temples.

“Another argument was advanced that because the system of Commissioners was an English system it was not desirable and that it would be slavish to follow that system. Sir, if we are to follow that advice, we will not be sitting in this Council this morning.”

Mr. R. SRINIVASA AYYANGAR:—“I said in matters of religion let us not follow the west.”

The hon. the RAJA OF PANAGAL:—“My hon. friend wants to exclude religion in following the western systems, but in other matters he is prepared to follow them. I am glad he has told me that. Sir, the object of the constitution of the system of Commissioners is to simplify the management and at the same time efficiently guard against the abuse or the probable abuses of trust management. Complaint has been made on the ground that the constitution of a Central Board would lead to centralization. But at the same time my hon. friends have no objection to control by the district courts. Well, if the district courts can control the management of these institutions, I fail to see why the Board cannot control them. In the circumstances, Sir, I cannot accept the suggestion to delete the chapter.”

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—“Sir, I have also given notice of a motion whose object is to delete the chapter relating to the constitution of a Central Board. I listened, Sir, with very great interest to the arguments that were advanced by the hon. the Raja of Panagal. I had also the privilege of being a member of the Select Committee when this question was discussed. Further, I have looked into paragraph 8 of the Select Committee's report which summarizes the arguments prevailing with the majority of the members in their recommendation for the constitution of a Central Board. But, Sir, the position for the establishment of a Central Board does not, in my opinion,

27th March 1923] [Mr. L. A. Govindaraghava Ayyar]

Chapter II—cont.

derive any strength from the views that have been expressed. My hon. friend has stated that the arguments that have been urged have not in any way shaken his view regarding the necessity for a Central Board. I am not sure whether the arguments I now propose to offer will serve any better purpose than those already offered and whether my arguments will have any better effect than the arguments already advanced. But I wish at least to have the satisfaction that I have put forward my own objections to the constitution of a Central Board and to have had my say on that point. Something was made of this fact, viz., that there was a recommendation for the constitution of a Central Board in some of the earlier Reports and Bills that were brought up for the consideration of the Government of Madras and of the Government of India. Now, Sir, if hon. Members only look into the literature on the subject, they will find that the kind of board that was then asked to be constituted was more or less a Government Department. You will find there that there is a Central Board; there is a system of inspectors who are to work out the duties of the Central Board; all these being accepted, you have no doubt a system of district boards or district committees. Curiously enough, in the two Bills which recommended the constitution of a Central Board you find that whereas in the one the Central Board or the members thereof are to be appointed by the Government, in the other the appointment is to be made by the High Court. As a matter of fact, you will find that subsequent to the second Report, which is dated 1886, there has not been any proposal to have a Central Board.

“Now, Sir, we have been told that this Central Board was constituted on the analogy of the Charity Commissioners of the West. Apart from the question whether we should be justified in slavishly or otherwise copying the institutions of the West, I am afraid, Sir, that this argument will give very little support to the view that the hon. the Raja of Panagal is interested in maintaining. I submit, Sir, that on very many vital, fundamental points, the constitution of this Board is altogether different both in point of functions and in point of constitution from the system of Charity Commissioners. I may just point out wherein these fundamental differences lie. You will find that there is one central idea that runs through all the powers and duties that are assigned to the Central Board in this Bill. No doubt, we are asked now to discuss the question as to the wisdom of having a Central Board, and in discussing that question, it is impossible to avoid reference to the functions expected to be discharged by that Central Board. That is my excuse, Sir, for going into the question of what these Central Boards are expected to do. Now, as I said, you will find that in the whole of this Bill there is what I have called in my dissenting minute as an excessive dread of the interference of the courts. You will find provisions have been made as far as possible to give finality to the decisions of this Central Board so as to constitute it, if I may say so, into a final court of appeal. Now, you will find that the functions of the Charity Commissioners are altogether different. They do not serve in any way to take away the jurisdiction of the ordinary courts. The Chancery Division was to function as much as it would even if the Charity Commissioners had not been created; so that you find that this is a very important point in which the present Bill differs from the constitution of the Charity Commissioners.

[Mr. L. A. Govindaraghava Ayyar] [27th March 1923]

Chapter II—cont.

“Another point, Sir, is this: The jurisdiction of the Charity Commissioners is reserved to cases wherein the income of the endowments—such income being calculated otherwise than on the basis of voluntary subscriptions—does not exceed £50 per year. In our Bill it is not so. It is not only some particular institutions with limited incomes but every temple and every math whatever might be its income—provided of course it does command an income of over Rs. 500 in the case of a math and an income of over Rs. 250 in the case of a temple—that come under the control of the Central Board.

“The third point, Sir, is this: You have certain institutions excluded from the purview of the Charity Commission even as it has been constituted in England. Such an exclusion you do not find here. Of course, it is true that the Bill itself does not provide for cases of maths having incomes less than Rs. 500 and of temples having income less than Rs. 250 a year. But so far as the Board is concerned, in one way or another, whether through the committee or independently of the committee, it will have jurisdiction over all religious institutions subject to the proviso just referred to.

“Another point which is also of great importance is this. The Charity Board are advised that in cases wherein contentious questions might arise, they must decline jurisdiction. On the other hand, Sir, in our Bill power is given to the Central Board to exercise jurisdiction even in the most contentious of cases, and what is worse, the interference of the civil courts by way of setting right what is considered to be the error of the Central Board, is excluded. I think I have shown sufficient reasons why we should not be led away by the analogy of the Charity Commission for the purpose of believing in the need for a Central Board.

“But, Sir, there are other grounds why a Central Board should not be constituted. My hon. friend was saying that the effect of constituting these Central Boards would be that we could avoid costly litigation. I am not sure that it would have this effect, unless you are going to have stringent rules which will prevent people from arguing their cases before the Central Board by means of advocates as is the case in courts. But we must remember that where a person's rights or what he considers to be his rights are affected, it is necessary that he must at least have the satisfaction that he has been given every opportunity of representing to the authorities whose power it is to set matters right, what exactly his case is, and I think the Board or the Government will think twice before they make up their minds not to hear parties or their pleaders before they dismiss their cases. Now, Sir, the costliness of the litigation cannot therefore in any way be minimised by the course to which my hon. friend has referred. The costliness of the litigation that you now complain of is not a costliness due to the expenses incurred by the institutions affected. If, for instance, some office-holder complains, or if somebody else complains, that the management of an institution is not properly conducted, then, Sir, it is the persons that complain that pay; whereas what we are now called upon to do is to mulct these various endowments in the amounts that have to be paid to the persons who are to constitute the Board. As has already been pointed out, the House will remember that a certain percentage— $1\frac{1}{2}$ per cent of the total income—

27th March 1923] [Mr. L. A. Govindaraghava Ayyar]

Chapter II—cont.

will have to be collected from the maths and temples which will come under the jurisdiction of the Board. Now, the expenses that will have to be entailed by these Boards will come, as I have pointed out in my dissenting minute, to something like a lakh of rupees. If you calculate it at $1\frac{1}{2}$ per cent, the income on which this percentage will be levied will come to about 70 lakhs of rupees. I have stated in my dissenting minute and I repeat it now, that we have not enough data before us to justify the view that this $1\frac{1}{2}$ per cent will come up to at least a lakh of rupees. The best argument in support of this view that I should like to take up is this: that you find that in the Bill there is provision made for institutions which need no kind of interference whatever from the Central Board, which have got their schemes already settled, and which are in an excellent state of management, being still brought under the purview of the Board simply on the passing of this Bill, and I hope I am not uncharitable when I say that the object of that provision is to secure that $1\frac{1}{2}$ per cent is taken away from their income. That I think is a confiscatory provision in this Bill. You therefore find that you are bringing into existence a costly machinery which will, I submit, have the effect of depleting the resources of these various bodies which certainly do not deserve that kind of treatment."

The House adjourned for lunch at 1-37 p. m.

The Council re-assembled after lunch at 2-30 p.m., the Deputy President, presiding.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I am one of those who think that on this question of religious endowments, there should be no party ideas and that every one should think for himself and speak for himself. For the gods' sake and for the goddesses' sake let us for a moment forget all other considerations except what is to be done for our gods and goddesses. I therefore welcome any attempt on the part of the hon. Members on the other side to speak against Government opinions in this case. It is that idea that has made me speak against the opinions so far expressed by my colleagues on this side. If my hon. friends on this side have spoken against the constitution of the Board of Commissioners, I have been from the very beginning pointing out the necessity for the constitution of such a Board.

"Looking into the history of the Boards of Commissioners, my hon. friend Mr. R. Srinivasa Ayyangar rather misquoted the portion from the report of Sir T. Muttuswami Ayyar's Committee. Before going into the whole question, we may just go into the voluminous report that has been placed at the disposal of the House. Mr. Rama Ayyangar with whose Bill the history begins did not specifically provide for the constitution of the Boards of Commissioners. The Robinson Committee, of which Mr. Rama Ayyangar was a Member, specifically referred to the constitution of a Board of Commissioners. Then we had the Sullivan's Committee, in which Sir T. Muttuswami Ayyar also was a Member; and that also recommended that a Board of Commissioners should be constituted. In this connexion I must say, Sir, that much injustice was done to the Government of India by the hon. Member in charge of the Bill as well as by other hon. Members when they said that it was the Government of India that was against the constitution of a Board of Commissioners."

[27th March 1923]

Chapter II—cont.

The hon. the RAJA OF PANAGAL :—“ I did not say that the Government of India were against the Board of Commissioners.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ At least the Government of India were made to be against the constitution of the Board of Commissioners. If we read the history of the Bill, it will be found that it was not the Government of India that was against the constitution of the Board of Commissioners, but that it was the Secretary of State for India that dictated the terms to the Government of India. The Secretary of State, at the instigation of some Christian missionaries in England, instructed the Government of India not to go to the length of constituting a Board of Commissioners. In accordance with those instructions the Government of India ordered the Muttuswami Ayyar Committee not to go to the length of altering the provisions of the Religious Endowments Act XX of 1863 to a large extent. In that very paragraph quoted by my hon. friend, Mr. R. Srinivasa Ayyangar, the first portion begins by citing arguments in favour of the constitution of the Board and the latter portion ends by citing arguments against such a constitution. The particular passage quoted by my hon. friend, Mr. R. Srinivasa Ayyangar, was not the opinion of the Committee.”

Mr. R. SRINIVASA AYYANGAR :—“ I never stated it was the opinion. I said the views were correctly summarised by Sir T. Muttuswami Ayyar. I never misquoted the passage.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ At the end of the paragraph the Committee say :

Although we are strongly of opinion that a Central Board would most effectively remedy the evils that exist, yet in accordance with the instructions of the Government of India, we have avoided proposing a Central Board.

Although the later Committee, presided over by Mr. Chentsal Rao, did not make any provision in their Bill for the constitution of a Central Board, they specifically said that all the ills connected with the religious endowments could only be remedied by the creation of a Central Board. Unfortunately their hands were tied by the Government of India, and so they did not give effect to their views. That is the history concerning the old Bills on the subject of religious endowments.

“ We will now go into the question whether the constitution of a Board of Commissioners is essential or not. When I spoke on the Bill at the time it was first introduced into the House, I said that it was necessary to do something to put an end to the wasteful litigation in connexion with temples. I did not say that a Central Board of Commissioners should be constituted. I said that Boards of Arbitration should be created in various centres of the Presidency. I appeal to the hon. Minister to see whether he cannot come to some understanding on this matter of the constitution of Boards of Commissioners and respect the views of both sides of the House. I must say that not a pie should be spent on matters which can be attended to by honorary workers. There are certainly enough workers in this Presidency who will be willing to undertake this task of arbitration without being remunerated. But this is a matter of detail which can be attended to later on. All of us are agreed that steps should be taken to put an end to the costly litigations that are now going on in connexion with religious endowments. I submit that this object can be secured not by the constitution of one Central Board

27th March 1923] [Mr. C. V. Venkataramana Ayyangar]

Chapter II—cont.

of Commissioners but by the creation of a number of Boards in various parts of the Presidency. If we increase the number of Boards and limit their jurisdiction, much money will not be wasted by way of travelling allowances, etc. Therefore it is quite essential that we should have a large number of Boards. If we look into the ancient history of all the religious institutions, it will be found that a great deal of their income was wasted in useless litigation. If we are really anxious to prevent this enormous waste, it can only be by the constitution of several Boards of Arbitrators. All the leading men should be requested to undertake this honorary work. I am one of those who think that in ordinary matters the jurisdiction of courts should be shut out. The Board that is to be constituted can be asked to deal with all the minor matters which the courts cannot take cognizance of. Though I strongly support the constitution of a Board for the purpose of preventing waste of money in litigation, yet it does not mean that I am fully in sympathy with all that has been put in the Bill for the constitution of the Board of Commissioners. I request the hon. Minister to arrange for a Round Table Conference, and come to a final and satisfactory decision regarding the appointment of the members of the Board, their jurisdiction and their powers."

The RAJA OF RAMNAD:—"Sir, like my hon. friend Mr. Venkataramana Ayyangar, I also wish to support the appointment of a Board of Commissioners. I only wish to say a few words regarding the objections raised by my hon. friends against the constitution of a Central Board. At the outset I may say that the two main objections that have been raised, namely, that this constitution of a Central Board is an after-thought and that it is an expensive machinery are absolutely without foundation. My hon. friend, Mr. Venkataramana Ayyangar, has clearly stated how all the previous committees considered the matter and how some of them very strongly advocated the constitution of a Central Board. The Committee which considered the draft Bill and over which I presided did not make this recommendation simply because it had no opportunity of going into all the earlier Bills which are now made available to the House. If only they had the facilities to go into the earlier Bills I have no doubt that they would have very strongly recommended the formation of a Central Board of Commissioners. Thus, it is clear that the idea of constituting a Central Board is not an after-thought. It is the other way. The second objection that was taken against the Board of Commissioners was that it was an expensive machinery. After it was decided yesterday to treat the *maths* and excepted temples separately from the endowments, I fail to see how the Central Board of Commissioners can be dispensed with."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"May I ask my hon. friend whether this question of the constitution of a Central Board of Commissioners was not considered by the Committee over which he presided and whether it was not voted against?"

The RAJA OF RAMNAD:—"I said that if the Committee of which I was the Chairman had read all the earlier Bills, they would have strongly recommended the constitution of a Central Board of Commissioners. The Committee decided the question without sufficient materials before them and hence they decided against the constitution of a Central Board."

[The Raja of Ramnad]

[27th March 1923]

Chapter II—cont.

"I was mentioning, Sir, how the Central Board had become an absolute necessity after the House had resolved yesterday to treat the excepted temples and *maths* in a way different from the endowed temples. If the affairs relating to the excepted temples and *maths* are to be taken to courts, is it at all possible for the judicial officers who are already overburdened with work to deal with all litigation about religious endowments. From practical experience we find that the hon. the Law Member comes to this House often for supplementary demands for the establishment of additional Sub-Courts and District Munsifs' Courts. So, if we empower the courts to deal with questions arising out of this Bill and constitute additional courts for that purpose, would it not be very expensive? In my opinion, to create courts to deal with these questions would be much more expensive than the constitution of a Central Board to attend to this work. I therefore think that it is not correct to say that the formation of a Central Board would be expensive. As the two objections, namely, that it is an afterthought and that it is an expensive machinery, have thus no strength, I think a strong case has been made out for the constitution of a Central Board."

Diwan Bahadur D. SESHAGIRI RAO PANTULU :—"Sir, I give my hearty support to the motion to omit the Chapter relating to the constitution of a Central Board of Commissioners. My chief reason for not having this Central Board is that it would not be useful in its operations. No religious institutions managed from a distance, such as the Central Board proposed to be constituted is, will be satisfactory. In order that the administration of the religious institutions may be satisfactory it should be carried on by people in the vicinity. I think that local committees will be far more useful than any Central Board. If District Committees, composed of really honest, pious and useful gentlemen, manage the religious institutions, these will be more prosperous. The administration of a Central Board, such as the one proposed, would smack of red-tapism. It will not enter into the spirit of the religion which requires constant attention and honest application."

The hon. the RAJA OF PANAGAL :—"Does my hon. friend suggest that the Central Board will not enter into the spirit of religion to the same extent as the Courts do at present?"

Diwan Bahadur D. SESHAGIRI RAO PANTULU :—"Not that. The religious institutions will be better managed by people in the vicinity. It is no use having a costly Board in a place like Madras and asking it to manage institutions hundreds and hundreds of miles away. If you want to enter into the spirit of religion, the temples must be managed by those who have a sympathy for that religion and that sympathy will be wanting in a Board, however eminent the members might be, which sits at a long distance from these institutions. Constant touch with the people, and a grasp of the spirit of the religion are the essence of a satisfactory management. But these qualities will be wanting in a Board which is situated at a long distance. So much as to the usefulness of a Board which is situated at some central place."

2-45 p.m.

"Secondly, the cost of these Boards is prohibitive. Even supposing for the sake of argument that these Boards will be composed of Commissioners

27th March 1923] [Mr. D. Seshagiri Rao Pantulu]

Chapter II—cont.

who will be honorary men, their travelling allowance and the expenses of inspection will be very prohibitive. Therefore, the Government ought to think twice before they can entertain the idea of spending the money from these *maths* and temples on such costly institutions. This is an indirect taxation upon these temples.

“Then, with reference to this Board, one has only to see the various Bills that have been introduced from time to time. Mr. Rama Ayyangar’s Bill of 1872 makes no mention of the Central Board. Mr. Robinson’s Bill of 1877 no doubt mentions it, but Mr. Carmichael’s Bill of 1884 vetoes it. Mr. Carmichael in fact leaves the religious institutions to the management of District Boards under the Local Boards Act. I do not know whether these District and Taluk Boards which consist of honorary men will not be better able to manage these institutions than any costly Board that is contemplated by this Bill. Then again, Sir, Mr. Sullivan’s Bill of 1886 no doubt says that these central committees . . .”

The hon. the RAJA OF PANAGAL :—“Is it the contention, Sir, of the hon. Member that the trustees must be left to themselves to manage the trusts?”

Diwan Bahadur D. SESHAGIRI RAO PANTULU :—“Certainly not. I only provide for District Committees and not for a Central Board of a costly description. I do not want the trustees to be left to themselves. I am one of those who have supported this Bill on the ground that there is a lot of misappropriation going on with regard to the temple funds. But it is quite a different thing to say that in order to check that misappropriation you will have to pay for a costly institution in a central place like Madras. That is my view.

“Mr. Sullivan’s Bill of 1886 no doubt introduces a provision for the appointment of a Central Board with pay. Mr. Raghunatha Rao’s opinion on this question may very well be taken to heart here. He says that these members should be honorary members. Then again we have Mr. Justice Muttuswami Ayyar’s Bill of 1894. It omits the Central Board altogether. No doubt, in the report it is stated that the Committee were told to do so by the Government of India. From what the hon. the Raja of Panagal says, this prohibition of the Government of India is perhaps now taken away as is manifest from the fact that all the Christian, Muhammadan and other Members who have not got much to do with Hindu religious institutions have freely voted on this Bill. I quite see that perhaps the Government of India have withdrawn their ban now. However, Sir T. Muttuswami Ayyar’s Bill contains no mention of a Central Board. Then comes Mr. Chentsal Rao’s Bill. It only speaks of District Committees and never of Central Committees.

“This is the previous history of the question and it is for the Council to see how far this costly Board will have to be thrust upon the religious institutions of the country. Religion, of course, has to be encouraged; but I believe this Central Board will only make matters worse. With these few words, I support the amendment.”

Mr. S. SOMASUNDARAM PILLAI :—“Mr. President, the question of the appointment of a Central Board which is now under discussion is one that was under consideration from the year 1842. Of course, the object of the Government in handing over the religious institutions to Indian management

[Mr. S. Somasundaram Pillai]

[27th March 1923]

Chapter II—cont.

is very clear. The missionaries raised a hue and cry against a Christian Government managing institutions where idolatrous worship was conducted. They asked the Government to hand them over to Indian management and said that their object was that idolatry should be put down, and that that object would be realised only if those institutions were handed over to Indian management. They were thus handed over and subsequent events have clearly proved that what they said was quite true. From the time they were handed over to the Indian management until now, it is plain that many of the temples have ceased to exist and many poor fellows became rich at the expense of such temples. From the year 1871, constant attempts have been made to systematise the management of these endowments and to bring them under proper control. Consequently various Bills were prepared and submitted. Now that the Government have handed over the control of these institutions to our own Ministers, they consider it better to bring the management of temples and *maths* under proper control. This is the only department in which Englishmen have no hand and it is the only department also in which mismanagement has gone too far.

“Religious endowments have got two aspects, secular as well as religious. The Bill proposes not to interfere with the religious side of it. As regards the secular side, the Bill proposes to place these endowments under the control of a Central Board. About the religious side of it, we need not say much. I know a lot about the *matadhipatis* and temples, and I am reminded in this connexion of an anecdote which is current in Hampshire. The anecdote says that a passer-by once asked another man to direct him to a certain place. The latter advised him to walk straight to the north till he met a parson then turn to the right and walk till he met a bishop, and then if he were to turn to the left, a few minutes would bring him to his destination. And the passer-by said, ‘What do you mean by this? Do you mean to say that the parson and the bishop will wait for the pleasure of meeting me?’ Then the other man said, ‘Why Sir, we call a sign-post a parson, and a broken sign-post a bishop; for a sign-post only directs, but does not lead, and a broken sign-post neither directs nor leads.’ This anecdote applies to some of our temples and *matadhipatis*—temples which only direct but do not lead, and *matadhipatis* who neither direct nor lead.”

Rai Bahadur T. M. NARASIMHACHARLU:—“I protest against that statement, Sir.”

MR. S. SOMASUNDARAM PILLAI:—“I said ‘some’ and by that I meant, Sir, my own Saiva *matadhipatis* of whom I have some intimate knowledge. The money given to these people is trust property and not their own private property. They are only trustees. They are *sanyasis* and do not require any money. We give money for the purpose of propagating our own religious principles. But they consider that the property belongs to them and begin to squander it away. Some young men with little brain and less culture and morally and intellectually weak are all on a sudden put in possession of wealth and authority, and they want to enjoy all the luxuries of a young rich man and waste all the money entrusted to them. To ensure the proper use of the property this Bill is proposed to be passed, and the control will be thorough only when there is a Central Board. Sir, if you do not want to have a Central Board, it is the same thing as saying that a

27th March 1923] [Mr. S. Somasundaram Pillai]

Chapter II—cont.

body need not necessarily have a head. I think most of the hon. Members here are inhabitants of municipalities where there are water-works. Where do you get the water from? First it is carried to a central place and then only it is distributed. Of course, some of the hon. Members objected to the payment to these members. But considering the amount of money wasted by these *matadhipatis* in profligacy, the cost of the Central Board is nothing. It is only when you pay the members that they will discharge their duties honestly, earnestly and sincerely.

“With these few words, Sir, I protest against the motion to omit Chapter II.”

Rao Bahadur A. S. KRISHNA RAO PANTULU:—“Sir, I think I agree with my hon. friend, Mr. Venkataramana Ayyangar, in suggesting that we should be free to give expression to our views, and that this question is not under any circumstance to be viewed as a party measure. I shall proceed to take up this question from that standpoint and try to satisfy this House, if I possibly can, that, notwithstanding all that has been said, there has been no justification made out for the retention of this provision for a Board of Commissioners. In understanding this question, it should be remembered that we ought not to concern ourselves with the mere idea, or name, of the Board, or the principle underlying it, but we ought also to take into consideration the other provisions in Chapter II relating to the constitution and powers of the Board.

“Much has been said, Sir, about the history of this question from the time of the earlier Bills. But a more careful examination of the facts will show that there were some features regarding the constitution of the Boards proposed in the earlier Bills which we do not find at present, and that there are some defects in them which are retained in the present Bill. I will now draw the attention of the House to the report of the Committee appearing on page 56 of the printed papers on Mr. Sullivan's Bill wherein they discussed this question and pointed out, as one of the objectionable features of the constitution of the Board, that the Commissioners were appointed by the Local Government. That is an objection which you find even now. What they said was this:

In clause 4 of the Bill, we have made a radical alteration. One of the provisions, which in our opinion constituted a grave objection to the Bill of 1878, was that under which the central body of Commissioners was nominated by the Governor in Council. In any measure which may eventually be passed upon the subject, it appears to us desirable that all the machinery by which the management of the Hindu religious institutions will be conducted shall be removed as far as possible from any immediate direct control by Government. We had much discussion as to the mode of appointing the Central Committee, being only unanimous in our disapproval of the method followed in the Bill of 1878.

It is, therefore, clear that when they examined the question on the second occasion, they condemned, in no unmistakable terms, the policy of these members being appointed by the pre-Reform Government. But what we find now is that that provision still remains in the present Bill. Having discussed the desirability of making provisions for election and having at that stage found some difficulties in the way of introducing the principle of election, this is what they state later on:

These and other reasons led us to abandon the idea of constituting the Central Board an elective body. We finally resolved to suggest that the Government in its legislative capacity, should appoint by name the first members of the Central Committee and that subsequent vacancies should be filled up by the High Court.

[Mr. A. S. Krishna Rao Pantulu] [27th March 1923.]

Chapter II—cont.

Then they state later on :

The Judges of the High Court have much opportunity of finding suitable men for appointment to the Central Committee, and we consider that the probability of obtaining an efficient committee will be best secured by leaving the subsequent appointment of members in their hands.

This, Sir, was the constitution which was provided for in the second Bill and we also find clause 4 and the subsequent clauses of that Bill making provision for this contingency. That is the second stage in discussion of this question.

“ When we come to the third stage, the Report of Sir T. Muttuswami Ayyar's Committee, and the observations therein, it is quite true that that Committee stated distinctly, unlike what my hon. friend, Mr. Srinivasa Ayyangar, stated, that they were in favour of appointing a Central Committee but that, under instructions from the Government of India, they had to abandon their proposal. But, Sir, it will be remembered that they came to that conclusion after disposing of the question of the exclusion of maths in paragraph 7 of their Report. This abandonment of the plan of constituting a Central Committee was under the instructions of the Government of India notwithstanding their own inclinations in favour of it; that is made clear from paragraph 12 of the Report. What we find there is that in the previous paragraphs they considered the question of the maths and came to a deliberate conclusion that *matams* ought to be excluded. Having come to that conclusion, they had no difficulty in deciding that a Central Board was desirable; but they found themselves unable to proceed with that suggestion further on account of the instructions received from the Government of India.”

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—“ They
3 p.m. received most effective instructions from the Government of India.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ It was their opinion; but that opinion was arrived at after they disposed of the really contentious and thorny question of the exclusion of *matams*. Now, my hon. friend, Mr. Venkataramana Ayyangar, suggested that he accepted the idea of a Board to be constituted but that the powers of the Board should be transferred to the court and from that time onwards the Board should not exercise those powers. He wound up by asking the hon. the Minister to consider the matter in a Round Table Conference. I may point out that if there is a proposal on the part of the hon. the Minister in charge of the Bill that he is going to consider the various suggestions for modifying the provisions regarding the Board of Commissioners and that he is going to give an elected and representative Board whose members will be honorary, I can understand the House coming forward and considering a question of that sort.”

Dr. P. SUBBARAYAN :—“ Mr. President, I had no idea of intervening in this debate because I cannot lay claim to the knowledge of religious endowments that is possessed by my hon. friends opposite. But certain words that fell from my hon. friend, Mr. Narasimhacharlu, and reiterated by my hon. friend, Mr. Siva Rao, have made me intervene in this debate. Mr. Narasimhacharlu was so hard up for arguments against the constitution of this Central Board that he caught hold of a reed in the person of a barrister and objected to the President of the Board being a barrister and

27th March 1923]

[Dr. P. Subbarayan]

Chapter II—cont.

spun out a story. Evidently, Mr. Narasimhacharlu wanted that the President of this Board of Commissioners should be a Panchanga Brahman. I can quite understand why he wanted such a thing. Hon. Members of this House might remember the sort of speech which Mr. Narasimhacharlu made when a resolution was brought by my hon. friend, Mr. Krishnan Nayar, on Dr. Gour's Bill. It is this type of reactionary gentlemen, like Mr. Narasimhacharlu, that make the progress of this country impossible. If we can get out of the ordinary groove that we are running in, we shall be better. I think that the Central Board is a necessary thing. I have heard from people who are heads of *matams* that they would prefer to be controlled by a Central Board rather than by local committees, because the local committees would be controlled by local factions whereas a Central Board would be free from such obsessions and would be able to look upon matters from an independent point of view. I think I can say that a barrister may be expected to have at least liberal views on the subject, because he has travelled far and his outlook on life is very different from that of men who have stayed at home. Persons in that position can certainly bring in an independent point of view in settling religious disputes, and perhaps that is the reason why the Raja of Panagal put in a word about barristers in this Bill and the barristers are very thankful for it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Mr. President, Sir, for a long time I was of two minds. After considering the *pros* and *cons*, it occurs to me that there is no way out of this Chapter. As we stand at present, the Central Board seems to be a necessity in the conditions in which we have to work under this Bill. For instance, we have got a number of institutions about which there was a lot of talk yesterday, namely, institutions of more than local importance, institutions of probably all-India importance like Rameswaram, Madura and Srirangam. It will be very difficult indeed to allow these institutions to be managed by district committees which seem to be the only other alternative. Then, Sir, there are also the maths which are also big institutions whose disciples and the persons interested in them are distributed over several districts. It will, indeed, be difficult to allow the management of these institutions to be carried on by the district committees; and I am also aware of the strong feeling among at least a large section of zamindars that the local committees should have nothing to do with the institutions under them, which are really institutions of a very important character, many of them of all-India importance. Then, Sir, there is also the other point, viz., from the district committees we want appeals to be allowed. There is nobody who can undertake these appeals as we stand at present. The only alternative we have will be the District Court which is purely a judicial body. I do not know whether, in administrative matters, an appeal to this judicial body will be all that is wanted.

" But there are one or two matters in the constitution of this Central Board which do require consideration. One of the objections is that we are having only one Board at Madras which will be far away from the religious institutions and its members which may not know the local conditions and also that the cost of litigation on account of the Central Board will be something heavy. With reference to this, there is a provision in the Bill now under consideration for the constitution of more than one Board. So I would ask the Government to consider, as soon as this Bill is passed,

[Mr. T. A. Ramalinga Chettiyar] [27th March 1923]

Chapter II—cont.

whether they ought to be satisfied with only one Board or whether in view of the reasons that have been urged it would not be better to constitute more than one Board.

"The other objections are also such as ought to be considered. One is the question of cost. Here again, it ought to be considered whether it will not be possible to reduce the cost by providing for the appointment of only one paid officer and associating with him a number of people who are elected and honorary. In that way a portion of the objection that has been raised can be met. The other objection raised by Mr. Krishna Rao that some of the Commissions which sat on the matter previously objected to the *appointment* of these Boards can be done away with if one of the persons of the Board, viz., the President, is appointed by the Government and paid, and the other members are non-paid men elected in some way by constituencies that may be brought into existence. It will not be difficult to bring into existence such constituencies. If the proposal to have three or four Boards in the Presidency is accepted, about half a dozen districts will come under each constituency. Thus, six or seven districts may be very easily arranged to elect people to these Boards and associate them with the President. In this way that difficulty also can be surmounted. So, Sir, as I said, taking the measure as it is I do not see how we can avoid this Board at all. This Board seems to be a necessity if the Bill is to go forward. If we take away the Board, the major portion of the Bill goes out and I do not think there is any agency by which we can work the provisions of the Bill. It is in this view that I shall vote for this Central Board, and as I said I would leave the objections which require consideration to the consideration of the hon. Minister when the time comes."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, there is no doubt that the constitution of a Central Board is one of the very important provisions in this Bill and, quite naturally, a certain amount of criticism has been directed against the provision for the constitution of the Central Board. Some attempt has been made to answer the objections raised. Sir, the hon. the Minister seems to be under the impression that the onus of proving why the Central Board should not be constituted lies on us. I am afraid that the process of reasoning ought to be the other way."

The hon. the RAJA OF PANAGAL :—"I did not say that the onus is on the Opposition. I have made out a case and I only said that the arguments of the other side were not quite sound."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I am pleased to hear that the hon. the Minister now says that the onus is not upon us. I have now the very plain duty of examining the arguments advanced by him and the arguments offered by the hon. gentlemen who have supported this motion. The hon. the Raja of Ramnad already informed the House that, so far as the Advisory Committee that was appointed in regard to this was concerned, it did consider this question of the constitution of a Central Board and came to the conclusion that there should not be any Central Board."

The RAJA OF RAMNAD :—"What I said was that the majority decided like that for want of materials."

27th March 1923]

Chapter II—cont.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"My hon. friend says that there was a difference of opinion and that the majority decided against the constitution of the Board. So, the rule of the majority applies also to the Committee over which my hon. friend had the honour to preside. Though there was a majority and a minority with reference to this question, it does not at all take away the fact that the majority did decide that the Central Board was not necessary. My hon. friend makes some strange observations to the effect that the materials were not placed before the Committee. I suppose that the same officers who are now assisting the Government in the framing of this proposal were then available to my hon. friend."

The RAJA OF RAMNAD:—"I never said that they did not give their advice. I only said that the materials were not available."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Why did not those hon. gentlemen who are assisting the Government now in piloting this measure place the materials before that Committee?"

The RAJA OF RAMNAD:—"I can only say that it was not my fault."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"My hon. friend is certainly wrong in thinking that I am blaming him for not getting all the necessary materials. I am only saying that these materials were not placed before him. It is not at all a thing which I need explain further."

"Apart from that, when the hon. the Minister introduced this Bill, he certainly considered the recommendations of the Committee which he himself had appointed, accepted them, and came into this House with a measure which did not provide for the Central Board. Having done that, when the Bill was taken up by the Select Committee, the provision of a Central Board has been suddenly introduced into this Bill. So, it will lie upon him very heavily in view of the advice and the consultation which he has had, and upon those hon. gentlemen who took part in the Select Committee, to show what further materials they had to come to a conclusion opposite to that to which the Advisory Committee had come. I am not at all now concerned as to what the Government of India did in 1876 or 1884 or even in the present case and whether they sanctioned this proposal or did not sanction it. It certainly has not any bearing on this question. Therefore, we are left with these facts before us."

"Another hon. gentleman, Dr. Subbarayan, said that if reactionary gentlemen like my hon. friend, Mr. Narasimhacharlu, objected to the proposals for the reform of religious institutions, it was to them that all the blame for want of progress in India was to be traced. If reform and progress consisted in undertaking legislation for hitting temples and *maths* and disorganizing their affairs and putting on them a control which is not necessary and which is not advisable. . . ."

The hon. the RAJA OF PANAGAL:—"The object of the Bill is organization and not disorganization."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"There may be difference of opinion. What may appear as organization to one man may appear as disorganization to another. Therefore, I should think that my hon. friend, Dr. Subbarayan, was not at all right in thinking that gentlemen who

[Mr. M. Ramachandra Rao Pantulu] [27th March 1923]

Chapter II—cont.

differed from this broad view of a Central Board, are necessarily reactionary and unprogressive. Of course, he put in a good word for himself as a barrister of the Inns of Courts, and certainly I have not the slightest objection to the statement he made as regards the value of the training which my hon. friend had received outside this country. I am particularly pleased with that statement. I may say, however, that it is not certainly due to any appreciation on the part of the hon. the Minister of the value of the services of the barristers that this provision is there in the Bill. This provision has certainly been taken from the rules made by the Government of India. Therefore, this point has absolutely no bearing on the present question.

“Mr. Ramalinga Chettiyar said that one of the reasons for the constitution of the Central Board was the inconvenience that the zamindars felt towards the constitution of the local committees. It is really a very strange argument to say that one of the methods of administration of temples and *maths* is devised for that purpose.”

3-15 p.m.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“I said, also, Sir, that many of the temples under the zamindars were more than of local importance.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“While the opinions of the zamindars are respected by the constitution of a Central Board . . .”

The hon. the DEPUTY PRESIDENT :—“I am afraid you are rather losing time . . .”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“What am I to do, Sir? The gentlemen opposite make absolutely irrelevant statements, and I have to answer them. I am therefore losing time. I request you, Sir, to allow me more time.”

“As I said, Sir, these *matadipatis* do not want the Central Board and they are administering their *maths* according to their view. They never asked for the constitution of a Central Board.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“They also come under the Board. I should like to ask my hon. friend whether any single *math* has informed him that it did not want the constitution of a Central Board.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“May I ask him whether any zamindar has approved of the constitution of the Central Board?”

Diwan Bahadur Sir P. TYAGARAYA CHETTIYAR :—“I may mention for the information of my hon. friend that several *matadhipatis* who talked with me said that they wanted only a Central Board, and not District Committees.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“As between the two methods of machinery, perhaps they would like to have the less rigorous. Apart from that, Sir, I may inform my hon. friends that petitions were presented to this House in hundreds objecting to any control whatsoever. We shall leave that there.”

Diwan Bahadur Sir P. TYAGARAYA CHETTIYAR :—“The *matadhipatis* prefer a Central Board to local committees.”

27th March 1923]

Chapter II—cont.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I do not think it necessary to dilate further on the statements made by several hon. Members opposite. I shall refer to one or two observations made by my hon. friend, the Raja of Panagal. The question that the House has really to consider is whether this institution is required for the purpose of co-ordination or control of all these religious endowments on a uniform basis. I should like to ask my hon. friend seriously whether the administration of all these temples should be brought under some kind of Civil Service Regulations and that *dhittams* should be made on an uniform principle in all the temples."

The hon. the RAJA OF PANAGAL :—"I never wanted that the *dhittams* should be made according to the standard of Civil Service Regulations or orders of the Government. What I wanted was that there should be some sort of control over the purse."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I do not know whether my hon. friend is right in saying that the Board will have an authority in controlling the purse. It is really an authority that calls for accounts. It does not control the purse."

The RAJA OF RAMNAD :—"May I know whether the five minutes' time-limit is no longer in operation?"

The hon. the DEPUTY PRESIDENT :—"Sometimes leaders take advantage and they are heard with very great attention, and as such, the President has kept up to the wishes of the hon. Members. However, I may say that the time for my hon. friend, Mr. Ramachandra Rao, is over."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—"After listening to the speeches of some of the hon. Members opposite, one forms the impression that there is lurking behind their minds the idea that the Central Board has been devised or manufactured by the party in power as an engine of oppression. If there is any such idea, I beg to disillusion that by saying that there is an engine which has been devised and forged in the country for which my hon. friend, Mr. Ramachandra Rao, has an admiration, for he spoke with great approval of the institutions prevailing in the West. This institution of a Central Board is but another name for the Charity Commissioners of England. My hon. friend has been asking the question why this institution did not find a place in the Bill when it was originally placed before the House and why it now finds a place here. May I suggest an answer? It may be the influence of my hon. friend, Mr. Ramachandra Rao, who spoke of the Charity Commissioners in England, that has given this idea to the Select Committee of which he had the honour of being a Member."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"May I ask my hon. friend whether he means to say that I suggested the institution of a Central Board in the Select Committee?"

Rao Bahadur O. TANIKACHALA CHETTIYAR :—"I cannot say that the hon. Member suggested the idea. But I know he spoke a good deal in the Select Committee about the practice in England. However that may be, the idea of a Central Board originated . . ."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"If my hon. friend says that I was in favour of the institution of the Charity Commissioners, I would ask him to quote the chapter and verse."

[27th March 1923]

Chapter II—cont.

Rao Bahadur O. TANIKACHALA CHETTIYAR :—"I do not think it necessary to answer anything that is put to me by way of cross-examination.

"Now, coming to the subjects under discussion in certain matters, such as the salaries of officers, etc., we are but reviving what was done in the past with reference to this question. I have before me the report of the Robinson's Committee which consisted only of two Europeans and two non-Brahmans—men for whose names I have a great reverence, Mr. P. Soma-sundaram Chettiyar and Mr. P. Ramanuja Nayudu—and five other gentlemen with the best experience both as lawyers and as administrators of the country, namely, Messrs. V. Rama Ayyangar, P. Srinivasa Rao, P. Chentsal Rao, V. Krishnamachariyar, and T. Rama Rao; and this is what they say :

It will be observed that we propose to assign liberal salaries to the Members of the Board and their chief officers, in consideration of the responsibilities which their duties will entail and of their exclusive devotion to the interests committed to their charge. The Bill also provides for an honorarium being paid to the trusts out of any surplus which may remain after the accounts of the year are duly audited and closed. It is scarcely necessary for us to go into the obvious reasons which have guided us in framing these provisions.

Again they say :

We propose to meet the cost of the Central Board and administration by a percentage charge on the revenues of each institution whose gross annual income amounts to fifty rupees and upwards. We have fixed a maximum limit of this charge at 5 per cent. Doubtless a much smaller percentage on the true income when this is ascertained will suffice to defray all necessary expenditure.

For obvious reasons they are pleading for the ordinary principle that the labourer is worthy of his hire. Surely, even the Charity Commissioners in England cannot be expected to give their best to a work, however true a cause it may be, for a period of five years, without any reward or remuneration for their services. Even the Charity Commissioners will not do their work for charity.

"It is hardly necessary to say that the Central Board is not an institution which has been engineered by the inner consciousness of the party in power, but is one upon which a seal of approval has been set about forty years ago by people who had been connected with the administration of the country. Under these circumstances, and especially in view of the fact that most of the powers of control over the religious institutions have been taken away and only a residuum is left, and of the fact that so far as the final disposal of certain matters is concerned, the Central Board is not merely given the administrative powers, but also powers of a different nature, it is but right that such an institution should have its headquarters at a place which will not be subjected to the influence of those who are creating intrigues with reference to the various religious institutions. With these few words, I strongly oppose the motion."

Sriman SASI BHUSHAN RATH Mahasaya :—"I wish I belonged to the Non-Brahman party for being able to carry this motion, because, Sir, unfortunately hon. Members sitting on the opposite benches have not thought it fit to support me in spite of the volume of support that I have from this side of the House. I shall only sum up and say that the volume of support is in my favour and that very good reasons have been advanced in support of carrying this motion. The hon. the Minister in charge of the Bill has not advanced any convincing arguments against my motion. He has made one statement only and that is that the Central Board will be a less costly

27th March 1923] [Sriman Sasibhushan Rath Mahasayo]

Chapter II—cont.

institution and that a large sum of money is wasted in litigation. He has not produced any statistics as to how much money has been spent in the last five or ten years in litigation and what the Board of Commissioners will cost us during the next five or ten years. If he has produced figures to show that the Board will be less costly, then with those figures before us we will be able to see whether that institution is less costly or more costly. As an originator of the Bill he ought to have produced such a statement. In the absence of any such information, to argue that a Central Board located at Madras will be profitable and that it will look to the interests and into the accounts of the temples at say Ganjam as well as Coimbatore is a thing which I cannot understand. A Central Board such as the one proposed is always expensive, and it will not know the usages and customs of the country just as the local committee will know them. It is suggested that local people will have factions and will introduce their personal feelings into the management of the temples. If for every two districts we have a committee, that question will not arise, and what co-ordination there is in the Central Board will be found in the District Board.

“We have the District Board; there is a Forest Board and there is a suggestion for an Irrigation Board. This is a Religious Board that we are now going to have. After the Central Board other Boards will crop up and we shall have more and more costly machinery that will wipe away all the temples. This is an organisation for the disorganisation and destruction of ancient institutions. This will be an organisation to throw out our religion root and branch. I am myself not an idle worshipper, and the people whom I represent are orthodox. They do not want the temples to be desecrated by Central Committees the Members of which may not belong to the same persuasion and who may belong to some religion which may not believe in idol worship.”

The hon. the **RAJA OF PANAGAL** :—“Well, Sir, I am glad that the Leader of the Opposition made this statement that in the present case the onus is on the Minister to oppose the particular amendment of which notice has been given. In fact, Sir, I have made out a case and the Opposition I see has not been able to rebut it.”

Sriman SASIBHUSHAN RATH Mahasayo :—“Because it was a very poor case.”

The hon. the **RAJA OF PANAGAL** :—“In support of my case I have quoted the opinions of most eminent men such as Sir Muttuswami Ayyar, Sir Subrahmanya Ayyar, Sir Sankaran Nayar, Mr. Chentsal Rao, Mr. Rama Ayyangar and so on. Sir, it has been said that there have been no Royal Commissions and that in the case of the appointment of Charity Commissioners in England there was a Royal Commission preceding it. But in this case we have had more than one commission. We had the Sullivan's Committee, the Robinson's Committee, the Muttuswami Ayyar's Committee and the Chentsal Rao's Committee. Lastly, we have had the Committee of the Raja of Ramnad, and, later on, the Select Committee. The Select Committee has approved of the constitution of the Board.

[The Raja of Panagal]

[27th March 1923]

Chapter II—cont.

“Sir, another question my hon. friend Diwan Bahadur Govindaraghava Ayyar has raised is that we have not ascertained what the income from the religious institutions is likely to be. There is a statement by Mr. Chentsal Rao according to which the income of the endowments, leaving alone the *maths*, amounts to a crore of rupees. It is not the intention to collect the maximum rate at present. At 3 per cent the amount that is derivable from the temples alone would amount to three lakhs of rupees a year. But a great deal more is being spent upon litigation by these institutions, and if an attempt is made to minimise the opportunities for litigation I think the House ought to welcome it.”

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—“May I draw the hon. Member’s attention to page 21 of the printed book given to us wherein it is stated that the total income of the pagodas will be 54,34,000?”

The hon. the RAJA OF PANAGAL :—“Sir, he takes care to omit certain items which are added to arrive at the figure mentioned by me. It is from the *inams* alone that he arrives at the figure of 54,34,000. But there is besides that the Hundi income.”

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—“I am sorry, Sir, I have to correct the hon. the Raja once again. The items are referred to in paragraph 2, viz., rent free lands or lands subject to favourable assessment or quit-rent; assignments of land revenue; ryotwari lands paying assessment to Government; rents of buildings; cash payments by Government and private contributions and presents.”

The hon. the RAJA OF PANAGAL :—“The income Mr. Chentsal Rao estimated was about 40 years back; it has now risen considerably; besides, to that income we have to add the incomes of the *maths*. The income from the *maths* alone is roughly estimated to be 40 or 50 lakhs of rupees. In these circumstances to say that the Government have no idea of the probable income from these institutions does not stand to reason.

“Another argument that has been advanced is that there has been a great deal of agitation and that there have been a number of protests from several bodies. In this connexion, Sir, I have only to refer to a statement, a conjoint statement made by a number of eminent men such as Sir Muttuswami Ayyar, Sir Subrahmanya Ayyar, Sir Sankaran Nayar and so forth. The statement is at page 115 in the last portion of paragraph 16 of the printed book. It says:

There can be no doubt that any legislation for providing a workable machinery for the superintendence and control of the trustees and managers of these endowments will be welcomed by all classes of the community, with the exception of such of the trustees and managers themselves as from interested motives are averse to any efficient check or supervision being placed over them. It seems probable that it is from the petitions and protests submitted or inspired by the latter that the Government of India has derived the impression that the proposed legislation is disliked or resented by the conservative sections of the community.”

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—“No Central Board is required there.”

The motion was put and declared lost.

A poll was demanded and the House divided as follows

27th March 1923]

Chapter II—cont.

Ayes.

- | | |
|---|---|
| 1. Diwan Bahadur S. Rm. Ct. Pethachi Chettiyar. | 6. Sriman Biswanath Das Mahasayo. |
| 2. " M. Ramachandra Rao Pantulu. | 7. Rai Bahadur T. M. Narasimhaachari. |
| 3. " L. A. Govindaraghava Ayyar. | 8. Rao Sahib U. Rama Rao. |
| 4. " M. Krishnan Nayar. | 9. Sriman Sasibhushan Rath Mahasayo. |
| 5. Mr. P. Siva Rao. | 10. Diwan Bahadur D. Seshagiri Rao Pantulu. |
| | 11. Mr. R. Srinivasa Ayyangar. |

Noes.

- | | |
|--|--|
| 1. The hon. Sir Charles Todhunter. | 33. Rao Bahadur O. Natesa Mudaliyar. |
| 2. " Khen Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur. | 34. Mr. V. Pakkiriswami Pillai. |
| 3. " the Raja of Panagal. | 35. " P. T. Rajan. |
| 4. " Rai Bahadur K. Venkatareddi Nayudu. | 36. " R. K. Shanmukham Chettiyar. |
| 5. " Rao Bahadur A. P. Patro. | 37. " K. Sitarama Reddi. |
| 6. " Mr. A. R. Knapp. | 38. " T. Somasundara Mudaliyar. |
| 7. " C. P. Ramaswami Ayyar. | 39. " S. Somasundaram Pillai. |
| 8. Mr. E. S. Lloyd. | 40. Dr. P. Subbarayan. |
| 9. " A. Y. G. Campbell. | 41. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 10. " C. Madhavan Nayar. | 42. Mr. V. C. Vellingiri Goundar. |
| 11. Diwan Bahadur T. N. Sivagnanam Pillai. | 43. Rao Bahadur C. Venkataranga Reddi. |
| 12. Mr. E. F. Thomas. | 44. " C. V. S. Narasimha Raju. |
| 13. " E. Periyannayagam. | 45. Mr. C. V. Venkataramana Ayyangar. |
| 14. Rao Sahib T. C. Tangavelu Pillai. | 46. Diwan Bahadur R. Venkataratnam Nayudu. |
| 15. Mr. A. Ramaswami Mudaliyar. | 47. Mr. M. Suryanarayana. |
| 16. Rao Bahadur T. A. Ramalinga Chettiyar. | 48. " S. Muttumanikkaohari. |
| 17. Mr. K. Adinarayana Reddi. | 49. " A. Ranganatha Mudaliyar. |
| 18. " S. R. Y. Ankinedu Prasad. | 50. " T. Sivasankaram Pillai. |
| 19. Diwan Bahadur C. Arunachala Mudaliyar. | 51. The Raja of Ramnad. |
| 20. Rao Sahib S. Ellappa Chettiyar. | 52. Mr. K. Prabhakaran Tampan. |
| 21. Rao Bahadur P. C. Ethirajulu Nayudu. | 53. Abbas Ali Khan Bahadur. |
| 22. Sir P. Tyagaraya Chettiyar. | 54. Hamid Sultan Marakkayar. |
| 23. Diwan Bahadur M. Krishnan Nayar. | 55. Muhammad Abdur-Rahim Khan Sahib. |
| 24. Rao Bahadur O. Panikachala Chettiyar. | 56. Khan Sahib Munshi Muhammad Abdur Rahman Sahib. |
| 25. Mr. W. Vijayaraghava Mudaliyar. | 57. Saiyid Diwan Abdul Razaak Sahib. |
| 26. Rao Bahadur K. Gopalakrishnaayya. | 58. Muhammad Haji Abdulla Sahib. |
| 27. Mr. K. A. Kandaswami Kandar. | 59. Khan Bahadur Muhammad Usman Sahib Bahadur. |
| 28. " J. Kuppaswami. | 60. Rao Sahib M. C. Madurai Pillai. |
| 29. " B. Muniswami Nayudu. | 61. " P. Venkatarangayya. |
| 30. " P. C. Muttu Chettiyar. | 62. " Sir M. C. Muttayya Chettiyar. |
| 31. " A. T. Muttakumaraswami Chettiyar. | 63. Rao Bahadur T. Namburumal Chettiyar. |
| 32. " M. Narayanaswami Reddi. | |

Eleven voted for and 64 against. The motion was lost.

Clause 5 was again taken up for consideration.

Clause 5—cont.

(Amendment No. 51)—cont.

The hon. the RAJA of PANAGAL:—"Sir, I move for the substitution of the following for sub-clause (2) of clause 5:—

'Person having interest' means

(a) in the case of a math, a disciple of the math or a person of the persuasion to which the math belongs, and

(b) in the case of a temple, a person who is entitled to attend at the performance of worship or service in the temple or who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereat."

[27th March 1923]

Clause 5—cont.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I do not find sufficient justification for this amendment. It will be remembered that, at the time when this sub-clause was under consideration, my hon. friend, Mr. Ramalinga Chettiyar, made a motion dealing with the same subject so far as the *math* was concerned. I remember, Sir, that in opposition to that motion the hon. the Minister in charge stated that this question was carefully considered in the Select Committee and that it was not found necessary to extend that provision to any further extent. When it was so decided, and when the hon. Member did not move that portion of the amendment, I had expressed my intention of moving this amendment. I do not find sufficient justification for the present amendment. Apart from that, when this House has agreed to include *maths* within the scope of the Bill, we should be really careful in deciding who is the person having interest for the purpose of sitting over various authorities. In doing so the present sub-clause provides as follows :

In the case of a *math* a disciple of the *math*, or a person of the persuasion to which the *math* belongs and in the case of a temple a person who is entitled to attend at the performance of worship or service in the temple or who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereat.

If we accept this amendment, it means that without any further limitation a person of the persuasion to which the *math* belongs may bring a complaint. That is not quite definite by itself and is likely to lead to further complications. I do not, therefore, think that there is any justification for the new sub-clause."

3-45 p.m.

Mr M. SURYANARAYANA :—"Sir, I suggested to the hon. the Minister that after the word 'service' in clause (b) the words 'or any part thereof' might be inserted. A particular person may not be entitled to be present throughout the performance of worship or service in a temple, but he may be entitled to be present at a particular portion of the performance of worship or service. What I want is that even a person who is entitled to be present at a portion of the performance of worship or service ought to be termed a person having interest. I may also submit that it is not absolutely necessary that the person should be partaking in the benefit of the distribution of gifts. A particular person may not be in the habit of attending such performance and partaking in the benefit of the distribution of gifts thereat, but he may be entitled to partake in the benefit of the distribution of gifts. I therefore suggested to the hon. the Raja of Panagal that the words 'or entitled to partake' might be inserted after the word 'partaking'. I hope the hon. the Minister will consider these two points."

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I have only one word to urge on this amendment. It is said in clause (a) of this amendment :

'Person having interest' means in the case of a *math*, a disciple of the *math* or a person of the persuasion to which the *math* belongs.'

The hon. the RAJA of PANAGAL :—"I have introduced the word 'religious' before the word 'persuasion'."

Rai Bahadur T. M. NARASIMHACHARLU :—"I like that, no doubt. But even then, I request him to omit the portion :

or a person of the religious persuasion to which the *math* belongs.

27th March 1923]

[Mr. T. M. Narasimhacharlu]

Clause 5—cont.

For, I think that this definition is rather wide. For instance, take the case of the Ahobilam *math*. It is a *math* where Visishtadvaita philosophy of a particular cult is taught. Now, if this definition is accepted, whether one is a disciple or not, if one only fulfils the requirements or is of that general religious persuasion of which the *math* is a particular type, he is to be counted as a person having interest in the *math*. Take, for instance, the Saiva siddhanta *math*, where the Dwaita philosophy of a particular persuasion is taught. There is Dwaita philosophy among the Madhwās. So, it is not sufficient if a person possesses that religious persuasion to which the *math* belongs. It is further necessary that he must owe allegiance to that particular *math*. The definition, as it stands, will be found to be doing more harm than good. I would, therefore, request the hon. the Minister to confine the definition, so far as the *math* is concerned, to the disciples of the *math*."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"Sir, the definition as it stands in the Bill as amended by the Select Committee was intended to provide for cases which were brought to the notice of the Select Committee, wherein there were *maths* but had no disciples of their own; and so it was that it was stated that persons who had a right of attendance at the performance of worship or service in the temple might have the right to litigate or to bring to the notice of the Board any irregularities that might creep in. It will, therefore, appear necessary that we should not be satisfied with the mere provision for a disciple of a *math* in the case of a *math* as a person having interest. But I venture to think that the definition that has been given in the amended copy is far too wide and even likely to be dangerous. As has been forcibly pointed out by my hon. friend, Mr. Narasimhacharlu, all that is required in the case of *maths* before a person can make a complaint respecting it is, that he must belong to the religious persuasion that the *math* is intended to promote. That means that even an American, for instance, provided his religious persuasion is the same as that of the *math*, might complain. I know that such is not the intention. But the language will lend itself to it. Going nearer home, we find that there are a number of *maths*, all intended to promote the same persuasion. There are a number of Vaishnava *maths*, a number of Advaita *maths*, a number of Saivasiddhanta *maths*, and so on. The principles of philosophy or religion that each of them expounds or upholds or propagates are exactly the same. Only, they are under different leadership. There may be slight differences in the practices they pursue; but the religious persuasion is the same. The effect of this amendment will be this: that the disciple of a *math* or even one who sympathizes with a *math* might go and poke his nose into the affairs of another *math* and it might be against the interests and wishes of everybody who is connected with the *math* sought to be affected. It is to provide against the possibility of such abuses that the language has been thought of and accepted by the Select Committee, that before a person can complain of the affairs of a *math*, he must have the right of attendance at the performance of worship or service in the *math*. Every *math* has got some worship that it conducts and anybody who has a right of worship there, and not even right of worship but who has got a right to be present at the performance of worship or service of the *math*, is entitled to complain of the affairs of the *math*. That, I think, provides for all possible, reasonable and necessary

[Mr. L. A. Govindaraghava Ayyar] [27th March 1923]

Clause 5—cont.

cases and to give a wider definition such as this amendment seeks to do will be to enable the provision being put to misuse."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, I support the amendment moved by the hon. the Minister. I am really surprised that objection is taken to this amendment on the ground that the definition is very wide. As a matter of fact what appears in the Bill as it has emerged from the Select Committee is, that anybody who may be in the habit of going and worshipping in a *math* can move the Central Board to frame a scheme. Now it may so happen that a person belonging to the opposite persuasion may go to the *math* and attend for a few days and at once apply to the Central Board for a scheme. That is the sort of thing that is sought to be avoided by the present amendment. Is it seriously contended that the restriction now proposed to be introduced in this amendment is going to widen the nature of the provision and result in more dangerous consequences than the definition as it stands in the Bill? That is an argument that I cannot possibly understand. My hon. friend, Mr. Govindaraghava Ayyar, himself admitted that these *maths* exist for the purpose of propagating a particular persuasion. That being granted, I cannot see, Sir, how this restricted definition giving the right only to those persons who follow the particular persuasion will make it wider and is going to bring in undesirable persons. The *math* propagates a particular religion and it is only those persons who profess that religion that can bring any complaint against it. That being so, I do not at all see what difficulty there can be and what nefarious object can a person who professes the same religion as that of the *math* have to take action against the *math* or to do any damage to it.

"The other argument that has been raised is that this should be restricted only to the disciple of the *math*. My hon. friend, Mr. Govindaraghava Ayyar, himself has stated that there are several *maths* which have not got disciples. As I have already stated, there is a great difficulty in understanding who a disciple of a *math* is. As I said in connexion with my amendment No. 60, there are various interpretations placed on the word 'disciple'. It may be a *sanyasi* who takes *kashayam* in a particular *math*. In the Tirupati *math*, for instance, the discipleship is confined to those who take *kashayam* in it. Again, as I already said, among the Siddhanthists the taking of *deeksha* from a *guru* is essential. It is said that only such persons as take the *deeksha* are called disciples. In any case, only these disciples or persons who profess the particular persuasion of the *math* are interested in looking to the proper administration of the *math*. That being so, I do not see how the definition is wide in its scope. I do not at all think that the objections that have been raised are real. They are merely imaginary."

Mr. S. SOMASUNDARAM PILLAI:—"Mr. President, Sir, of course, it is true that the word 'Hinduism' is loosely applied to all the sects obtaining among the Hindus; and the different sects are at loggerheads with each other. The Saivasiddhanthas, the Ekathmavadis, the Vaishnavites, the Madhwais, the Lingayats are all diametrically opposed to each other. They have each different principles to follow. Sir, according to the Saivasiddhantha, you have got the right of *sanyasam*. Ekathmavadis deny this right to Sudras. If any Hindu is allowed to file a complaint against any

27th March 1923] [Mr. S. Somasundaram Pillai]

Clause 5—cont.

other Hindu *math*, for instance, the Ekathmavadi who does not respect any Sanyasi *math*, will at once lodge a complaint against a Saivasiddhantha *math*. So if we adopt the suggestion of my hon. friend Mr. Govindaraghava Ayyar, it will give room for a lot of trouble. Of course, the term 'Hindu' is intended to mean a tangled jungle of disorderly superstitions. We must carefully examine the different sects of Hinduism and only allow that person who belongs to the same *math* or who is of the same religious persuasion as that of the *math* to have anything to do with it. On the whole Vaishnavites, Smarthas and Saivites are three important sects and it is quite proper that any person who belongs to the same persuasion as that of any of the *maths* can interfere in the affairs of these *maths*. With these words I object to the suggestion made by Mr. Govindaraghava Ayyar and support the amendment moved by the hon. the Raja of Panagal."

The hon. the RAJA OF PANAGAL:—"Sir, I am not prepared to accept the amendment of my hon. friend from Vizagapatam. There
4 p.m. is no necessity for that amendment because, obviously, worship means either the whole or part of it.

"Next, Sir, coming to the objection raised by my hon. friend, Mr. Narasimhacharlu, he wanted to persuade me to believe that the creed that is taught by the Saiva Siddhanta system is the same as the Vedanta philosophy taught in the Madhwa schools. I cannot accept that interpretation. There are very many points of difference between the two schools of philosophy and it cannot be said that there will be any chance of mistaking the one for the other.

"My hon. friend, Mr. L. A. Govindaraghava Ayyar, said that there might be cases where Americans could be classed as persons who were of the same religious persuasion or of the same particular school of philosophy as the *math*. In this connexion, I may say there are also cases where people who have gone to foreign countries are chucked out from the discipleship of certain *maths*. What is to become of them? In order that such cases may be covered, the definition is widened. I think the House will be pleased to accept this widening of the definition."

The motion of Mr. M. Suryanarayana was by leave withdrawn.

The substitution proposed by the hon. the Raja of Panagal to sub-clause (9) of clause 5 was put and carried.

Rao Bahadur T. NAMBERUMAL CHETTIYAR:—"Sir, I wish to bring in a motion regarding sub-clause (7) of clause 5 in which '*mutt*' is spelt as '*math*.' It is not on the agenda paper. If *mutt* is spelt as *math*, the chances are that it will be confounded with *matam*, which means a place or abode where the disciples reside. Therefore I should like that wherever the word *math* occurs it should be spelt as *mutt*."

The hon. the PRESIDENT:—"The hon. Member cannot make any motion at this stage. I am sure the whole spelling of the Bill will be carefully looked into by the hon. the Minister before it is finally passed."

Clause 5 as amended was put and passed and added to the Bill.

[27th March 1923]

Clause 6.

Sub-clause (1).

(Amendment No. 53.)

Mr. T. SOMASUNDARA MUDALIYAR :—"Sir, I beg to move—

For the words 'the Local Government may' substitute the words 'the Local Government shall.'

"Sir, if the Government assures me that the word 'may' will mean 'shall' I am prepared to withdraw the motion."

Mr. T. MADHAVAN NAYAR (Advocate-General) :—"Mr. President, I am prepared to give my hon. friend the assurance that 'may' in this case does mean 'shall'; and if he wants authorities, I can refer him to a good many."

The motion was by leave withdrawn.

New proviso after proviso (1).

(Amendment No. 54.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I beg to move—

(a) *Insert the following as second proviso to sub-clause (1) :—*

'Provided further that the Local Government may constitute different boards for different kinds of religious endowments or for religious endowments of different faiths and persuasions.'

(b) *Re-number the subsequent proviso.*

"Sir, I believe the volume of opinion which has been recorded and published in the papers must have made it quite clear that when we proceed to the consideration of the constitution of these Boards it may become necessary for the efficient management of the religious institutions to have different Boards for temples and different Boards for *maths*. It may also become necessary, according to exigencies, to constitute different Boards for endowments of different faiths and persuasions. The proviso suggested is only one of an enabling character. It will be found that even in the Report of the Select Committee they have made provision for the constitution of more Boards, though it may not be necessary to do so all at once. This proviso, if accepted, would justify the Government considering the desirability of opening Boards not merely for different local areas or for different parts of the Presidency, but, as necessity arises, for different kinds of endowments or endowments of different faiths and persuasions. I need not take any more of the time of this House, because even the representations that have been received here make it clear that the circumstances relating to one class of endowments are different from another, and endowments of one particular faith are different from those of another faith. Therefore, it is desirable, if found necessary, that the Government should have power for creating different Boards."

Rao Bahadur N. GOPALASWAMI AYYANGAR :—"Mr. President, there is on the surface a good deal of force in the argument that has been advanced by the hon. Mr. Krishna Rao in favour of the amendment that he has just

27th March 1923] [Mr. N. Gopalaswami Ayyangar]

Clause 6—cont.

moved. But the whole object of this Bill is to create a Board or Boards with jurisdiction over particular territorial units. If we are going to constitute different Boards for different sets of endowments or endowments of different faiths or persuasions, we shall be landed in a multiplicity of Boards such as the committees we find in districts like South Kanara, where I think they have got 50 or 60 committees working at the same time, each having jurisdiction over certain temples. I only wish to point out, Sir, that the questions that are likely to come up before these Boards are not questions which will involve any very intimate knowledge of the tenets of a particular religious persuasion or faith. As regards rituals and usages in temples, they are safeguarded by a particular clause in the Bill. I do not think that these Boards will be called upon to go very much into detail over questions of that sort. It is best, under these circumstances, to retain the territorial basis for these Boards."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I am not satisfied with the reasons adduced by my hon. friend, Mr. Gopalaswami Ayyangar. He said that on the surface there was some reason, though if we got deeper, there were difficulties. He merely stated that the plan adopted was to have Boards for particular territorial areas. Has he taken into consideration the fact that the Commissioners who are likely to be appointed may not be such as possess a knowledge of institutions of all classes, of all faiths and of all persuasions? If it is the object of this Bill to provide for the efficient management of the religious institutions, it is certainly necessary that there should be an implied provision for all faiths and persuasions being properly represented.

"Another argument is this. We have, notwithstanding all the objections, decided to place the *maths* also under the control of the Boards. Having decided that, and realizing as we do that there are institutions of a peculiar character, as pointed out in the Committee's report, that there are some questions relating to the constitution of the *maths* and to the relationship between the disciples and the *matadhipatis*, I would ask whether my hon. friend on the other side expects that it will be possible with a limited body of 3 or 5 members to deal with the whole question in any satisfactory manner. I think therefore that I cannot find any justification for the Government not accepting this provision which is only an enabling provision and which gives them the power to appoint Boards when necessary."

The motion was put to the House and lost.

(Amendment No. 55.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

In the second proviso for the words 'more Boards than one' substitute the words 'a Board'.

"Sir, the discussion upon the previous motion relating to the necessity for the constitution of a Board must have convinced every one in this House, if only he was prepared to be convinced, that several difficulties are likely to crop up in connexion with the constitution of this Board. If the amendment suggested is accepted, it will give a guarantee that the proposal for the constitution of a Board will be placed before a responsible body like the

[Mr. A. S. Krishna Rao Pantulu] [27th March 1923]

Clause 6—cont.

Legislative Council and approved by it before it comes into existence. That will be the effect of this amendment, and I fail to understand why the Government should object to this notification being placed before the Legislative Council for its approval before it becomes law. The amendment is so reasonable; but all the same it depends on the hon. the Minister making up his mind to accept it."

Rao Bahadur N. GOPALASWAMI AYYANGAR :—"Sir, there is what I consider to be a preliminary objection to the amendment that has just been moved. The fact that the constitution of a Board has been accepted by the House is a very strong reason why we should not accept this amendment of my hon. friend, Mr. Krishna Rao. The amendment that was moved by the hon. Member, Mr. Somasundara Mudaliyar, has been withdrawn on the assurance of the hon. the Advocate-General that it is imperative for the Local Government on the passing of this Bill into law to constitute a Board and that the word 'may' in sub-clause (1), clause 6, really means 'shall'. If that is so, and if it is obligatory on the part of the Local Government to constitute at least one Board, I do not see any reason why a proposal for constituting what is obligatory should be published for criticism or placed on the table of the Legislative Council. The Bill really cannot be worked without at least one Board being in existence. The reason why this second proviso was put in is that it was intended that a check should be placed on the executive that they should not be allowed to create more Boards than one without adequate consideration and without hearing the representatives of the people in the Legislative Council. The safeguard was provided only for that purpose. I do not think a safeguard is necessary for doing what is really obligatory under the Bill."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I think that even as regards the constitution of a single Board there are some provisions in the Bill which would require some consideration. For instance, the strength of the Board is to be fixed by clause 7, which says:

A Board shall consist of a President and such number of other Commissioners not being less than two nor more than four as the Local Government may fix.

This is a question affecting the constitution of the Board. Again, we find there are provisions as to the pay, namely:

That such salary shall not exceed one thousand and two hundred rupees per mensem for a President or eight hundred rupees per mensem for any other Commissioner.

It may be that there are means for making the place honorary, and it may be that, when it is found you can get men who will work without salary, the Council may come to understand that the place shall be honorary. Therefore, there are several questions affecting the constitution of the Board which had better be considered by the Legislative Council, instead of the Government formally issuing a notification constituting a Board. All that the House is agreed upon is for the retention of the provision for the constitution of a Board. But in giving effect to it there are certain limitations which have to be placed on the powers of the Government, and for that purpose I have moved this amendment, and I have therefore to press it."

The amendment was put to the House and lost.

27th March 1923]

Clause 6—cont.

(Amendment No. 56.)

Mr. T. SIVASANKARAM PILLAI :—" Sir, the motion that stands in my name is this :

In the second proviso after the words ' shall be ' insert the words ' published in the prescribed manner and '.

The constitution of these Boards is a very important matter in the whole of the present scheme. It is provided in the second proviso that before a Board is constituted the notification shall be laid on the table of the Legislative Council. That kind of publication may not be enough, considering the importance of the step. What I propose by this amendment is to make room for a wider publication. That is why I wish to have the words ' published in the prescribed manner ' inserted. What the prescribed manner is will be a matter to be decided by the rules to be framed. It may be allowing publication in some of the newspapers that are published in the area where the Board is to be constituted, or it may be by beat of tom-tom in some of the villages where important temples are situated. With this view, I propose this amendment."

The hon. the RAJA OF PANAGAL :—" The amendment does not seem to me to be necessary, for a notification that is placed on the table will be published in the papers. But, however, I have no objection to accept the hon. Member's amendment."

The amendment was put and carried.

Sub-clause (2)

(Amendment No. 57.)

Mr. T. SIVASANKARAM PILLAI :—" Sir my amendment is—

After the words ' which is ' insert the word ' so '.

It is merely a verbal alteration that I propose in this amendment. This is how sub-clause (2) reads :

The Local Government may pass such orders as they deem fit as to the transfer or other disposal of the assets and liabilities of a Board which is varied or abolished.

I only want to insert the word ' so ' before the words ' varied or abolished ' so as to make it read : ' Which is so varied or abolished.' It is only a suggestion that I make."

The hon. the RAJA OF PANAGAL :—" I think it is unnecessary to say ' so varied or abolished '."

The motion was by leave withdrawn.

New sub-clauses after sub-clause (2).

(Amendment No. 58.)

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I beg to move for the addition of the following as sub-clause (3) :—

' (3) The Local Government may also at any time invest any court with all or any powers of the Board and the Board shall not then exercise those powers within the jurisdiction of that court.'

[Mr. C. V. Venkataramana Ayyangar] [27th March 1923]

Clause 6—cont.

I have got so many reasons for this amendment, that probably there will not be enough time to enumerate all of them. I shall, therefore, only give a few reasons, on hearing which hon. Members will agree with me that this amendment is necessary.

"First of all is the consideration of distance. In a particular case it may seem to the Government that it is necessary for a local court being empowered to dispose of a simple case instead of the Board located in Madras disposing of it. That is one reason, so far as the question of distance is concerned, which means also more cost.

"Secondly, there may be some intricate questions of law, in which case it may be considered that the court may dispose of the matter more easily than the Board.

"A far more important reason for this is this. We have only one Board to begin with. Supposing two or more members of the Board are personally interested in a particular religious institution and feel that they cannot take part in an inquiry, they may express their inability to take part in the inquiry. Then we have no right to transfer the case to any other Board, because there is no other Board, and there is no provision in the Bill for transferring it to anybody else. So, it is absolutely necessary in cases where the members of the Board express their inability to judge the particular matter or where the Government are satisfied that it is not fair for them to ask the Board to deal with a particular question, that there must be some provision for disposing of such a matter. This is only an enabling provision that I have suggested. The Government perhaps may not have the opportunity of exercising such powers, except in some rare or extraordinary case. Therefore, I move this amendment formally, and I hope it will be accepted."

The hon. the RAJA OF PANAGAL :—"I too, Sir, have very many reasons against accepting this amendment. But, Sir, I will not refer to all those reasons and I will be content with one reason alone. If I accept this amendment, the object of the constitution of the Board which has been so very eloquently supported by my hon. friend over there will be frustrated."

MR. C. V. VENKATARAMANA AYYANGAR :—"The hon. the Minister has not said a word to meet the arguments I have raised. Suppose the President and a large number of the Members of the Board are personally interested in a particular matter, is the enquiry to be made by the same Board, or if not by whom else is it to be made? It is only to provide for such a case that I wanted a provision to be made. I do require the Board to be there; I have nothing to say against it, and I do respect it. But if there is a case in which the Board cannot be impartial, what is to be done? The hon. the Member, in spite of the many reasons which he said he had, has not said one word on this point."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—"Only the hon. Member assumes that it is impossible for the Government to constitute a Board of three or five members who are not interested in any of the institutions in this country."

The amendment was put to the House and lost.

27th March 1923]

Clause 6—cont.

(Amendment No. 59.)

MR. A. RANGANATHA MUDALIYAR :—" Sir, I beg to move—

Add the following as sub-clause (3) :—

‘ (3) The Local Government may pass such orders as they may deem fit as to the investment of the funds of the Boards, Committees and Trustees.’

" Under the Bill, Sir, the Board has the power to make by-laws relating to the investment of funds of the Board, Committees and Trustees. I think it would be in the best interests of the country that this power should be reserved in the hands of the Local Government, so that they may decide what kinds of investments are permissible under the Bill. After all, experience has shown that it is not wise to entrust all and sundry with the power of investing the funds just as they choose. So I am for giving this power to the Government, so that they may lay down rules which will guide the subordinate Board and Committees under them as to how they should act in respect of the investment of the funds."

The hon. the RAJA OF PANAGAL :—" Clause 15, sub-clause (g) makes provision for the contingency contemplated by my hon. friend."

MR. A. RANGANATHA MUDALIYAR :—" I know that power is given there to the Board to make by-laws. But I wish that the power should be in the hands of the Local Government, so that they may guide their subordinate Boards or Committees."

The hon. the RAJA OF PANAGAL :—" The by-laws have to be confirmed by the Government."

The motion was by leave withdrawn.

Clause 6, as amended, was then put, passed and added to the Bill.

Clause 7.

(Amendment No. 60.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I move—

To omit the words 'a President and'

" The object of this amendment will not be clear unless hon. Members of this House read along with it amendments 92-A, 93-A, 93-B, and later 102-B and 107-A. The amendments being so scattered, I wish to draw the attention of hon. Members to the fact that these amendments have to be considered before the object of this amendment is understood and accepted. The present clause 7 is :

A Board shall consist of a President and such number of other Commissioners not being less than two or more than four as the Local Government may fix.

If this amendment as such and the other corresponding amendments of mine are accepted, the clause will read as follows :

A Board shall consist of such number of Commissioners not being less than five nor more than nine as the Local Government may fix.

[Mr. A. S. Krishna Rao Pantulu]

[27th March 1923]

Clause 7—cont.

Even according to the scheme of the present Bill, if we proceed to consider what we have done in the case of the committees later on, it will be found that the course which I have suggested here has been adopted. It will be seen from clause 17 (1) that

A committee shall consist of such number of members as may be fixed by the Local Government, such number to be not less than six and not more than twelve.

Later on, there is a provision in clause 24, which says :

Every committee shall elect a president, a vice-president from among its members.

I shall refer to that point when we deal with the question of committees. But so far as the constitution of the Board is concerned, my object is to provide for the election of the President and the Commissioners. In order to carry out my object, there are two amendments coming in later on, and I may draw the attention of hon. Members to amendments 102-B and 107-A, where it is said :

The Commissioners shall be elected by the members of the committees in the prescribed manner. The Commissioners shall elect a President from among themselves.

We have had a considerable discussion as to the desirability of the constitution of the Board, and we have just now decided that there ought to be primarily one Board for the whole of the presidency, though power has been taken for the constitution of more Boards. If we consider the various institutions of different characters which will be dealt with by these Boards, the provision I have suggested, namely, that it should consist of at least five and not more than nine would not be considered to be an unreasonable provision. That is one thing to which I wanted to draw the attention of the House.

“Secondly, I suggest that the appointment of Commissioners is a matter which the Government should leave to the members of the committees. I suggest the election of Commissioners instead of their being appointed. I am suggesting this method forty years after we find observations to that effect in Sullivan’s Bill. The Religious Endowments Committee, in their report to the Chief Secretary to the Government, dated 19th March 1886, dealt with this question of the constitution of the Board, and considered the advisability of introducing the principle of election in the constitution of the Board. This is what they stated—I am only reading the important portions :

In any measure which may eventually be passed upon the subject, it appears to us desirable that all the machinery by which the management of the Hindu religious institutions will be conducted shall be removed as far as possible from any immediate direct control by the Government . . . Several methods suggested themselves, and if we could have seen our way to any practical method of election, that method would have seemed to us the most suitable.

Therefore so long ago as 1886, that is about 40 years ago, that committee suggested that, if they could have seen their way to devise a method of election it would be the most suitable. I would only request the House to consider whether, when we are asking for and having representative institutions on an electoral basis, and when we have a fully elected or substantially elected Legislative Council, it would not be possible for us to devise proper electorates for the appointment of suitable persons as Commissioners. The election of the Commissioners will remove most of the objections which have been urged against the appointment of these Commissioners to the Boards. I quite realize that the President will have to be appointed. As I said, when the

27th March 1923]

[Mr. A. S. Krishna Rao Pantulu]

Clause 7—cont.

president of a committee is elected by the members of that committee, I do not see any justification for the Government trying to reserve that power to themselves. The Commissioners are responsible men; they are to be paid a decent salary of Rs. 800 the maximum; and in such a case I do not see any reason why we should not allow them to elect their president. It is for these reasons that I move my amendment, and it is only when all the amendments mentioned by me are considered together that my object can be clearly seen."

Rao Bahadur N. GOPALASWAMI AYYANGAR :—"Sir, the arguments that have been advanced by Mr. Krishna Rao are not so much germane to the particular amendment that is now under consideration as to the general question as to how the board is to be constituted. But I shall confine my reply only to two points to which he referred in the course of his remarks. He thought that election was about the best method for choosing the members of the board. Well, Sir, that position can be conceded if the other position is also conceded, namely, that the members of the board are going to be honorary non-officials. But we have at the present moment—I am not referring to the amendments that have been tabled on that question—to take it that the members of the board or boards are going to be paid salaries, the maxima of which have been fixed in this Bill. I would ask the hon. Member to consider whether election is the best method of choosing people who are going to be paid a salary. It is hardly necessary for me to advance arguments against a position of that sort. I believe America is a standing example of the evils of salaried employees being elected by large masses of the people. In this case, I no doubt recognize the fact that Mr. Krishna Rao proposes the electorate to be the members of the committees of various districts. But we have got to consider that we have *prima facie* a valid objection against election being introduced at all in regard to the appointment of salaried members of a small board.

"The second point he referred to was that in the scheme of the Bill as regards the committee, the committees are first mentioned and then the election of the president. He seemed to imply that the same principle should be followed in the case of the Board also. We have to remember, Sir, that the minimum of this board is three and the maximum is five. I do not know whether any advantage would be gained by giving the power of election to this very limited number of commissioners. I recognize that Mr. Krishna Rao himself contemplates that the minimum should be five and the maximum should be nine. But even those numbers, I submit, are not sufficient to give any wide range of choice for a proper election of the president."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, the objections are, as usual in other cases, based upon a conception that the Board should continue to be in the form suggested in the report of the select committee. Even supposing for the sake of argument that these Commissioners are to be paid officers, I do not find any valid objection to their being elected. It has been asked by Mr. Gopalaswami Ayyangar whether, in the matter of the choice of salaried officers of a petty Board, it is necessary to provide for election. May I point out, Sir, that the fact of their being salaried officers is no reason why they should not be elected? I have got instances even in the Government of India Act. Though the President of the Legislative Council is appointed by the Governor for the first four years, afterwards he has to be elected by the members of the Legislative Council, though he is a salaried officer.

[Mr. A. S. Krishna Rao Pantulu]

[27th March 1923]

Clause 7—cont.

Again, in the case of the Ministers, though they are now selected by the Governor, they are the elected members of the House. So, Sir, I do not think it is a valid objection against the suggestion to elect the members of the Board or Boards.

“Secondly, I wish to point out another fact. I am really surprised at the attitude of the Government objecting to the principle of election being introduced in this case. I do not really understand why they have not got much faith in constituting proper electoral units for the purpose of choosing proper members for the Boards. I do not also really understand why they should be anxious to reserve to themselves the power of appointment of President and Commissioners. Sir, in these days of democracy when we claim that it is as a result of the working out of the principle of election in our councils that we have so far advanced and are now going forward further, and when that principle has been recognized in all bodies, I am surprised that the Government object to the system of election being introduced in regard to the control of religious endowments. I think it is a position which cannot be defended. I, therefore, press my motion.”

The amendment was put to the House and lost.

(Amendment No. 61.)

The RAJA OF RAMNAD :—“Sir, I move the following amendment :—

For the words ‘and such number of other commissioners not being less than two nor more than four as the Local Government may fix’ substitute the words ‘and two or four commissioners as the Local Government may fix.’

“Sir, my object in moving this amendment is this. The number of commissioners should be odd, but not even. If the number of other commissioners is to be fixed as three, the total number, including the president, will be four, an even number. Therefore, I propose that the number of other commissioners shall be either two or four, but not three.”

The hon. the RAJA OF PANAGAL :—“Sir, I cannot see any reason why there should not be a board consisting of four members. But however, Sir, that question will be considered in its time. It is only a matter for the consideration of the Government at the time of appointment of these commissioners.”

The amendment was by leave withdrawn.

(Amendment No. 62.)

Sriman BISWANATH DAS Mahasaya :—“Sir, I beg to move that—

For the words ‘such number of other commissioners . . . as the Local Government may fix’ substitute the words ‘two other commissioners.’

“Sir, clause 7 as it stands at present provides for three members, including the president, or four or five. If my motion is accepted, it would fix the number at three instead of four or five, as now contemplated in clause 7. Now, Sir, the Government have got the power of constituting under clause 6 either new Boards or varying the number of Commissioners or varying the territorial jurisdiction of these Boards. Now, as an effect of passing this Bill, we shall have to begin the work of controlling the religious institutions. I do

27th March 1923] [Sriman Biswanath Das Mahasayo]

Clause 7—cont.

not see any reason why at the very outset we should have provision for more Commissioners. If this motion is accepted, as I already said, we shall have a maximum of three Commissioners, including the President. We know that all new appointments made under this Bill after it is placed on the Statute Book will not come before the Legislative Council, because we shall not have to vote money for their pay, since their pay will have to be met out of the contributions paid by the religious endowments. Therefore, this House will be at a disadvantage in criticizing the work, etc., of these commissioners from time to time. It is therefore highly necessary that we should fix the number of these Commissioners in such a way as to make the executive part of the Government approach the Legislative Council time after time for more members or for the constitution of more Boards. When the executive come forward with a proposal of that sort, the Legislative Council can make a review of the administration and offer criticisms or give consent if they find it necessary either for an increase in the number of Commissioners or for the constitution of new Boards. Therefore, I think it desirable that we should now limit the number of Commissioners to three."

The hon. the **RAJA OF PANAGAL** :—"Sir, the existing provision is only an enabling provision, and it does not follow that the Government should at once appoint all the Commissioners, four or five whatever their number may be. But it gives only a small margin of variation from three to five members, including the President. My hon. friend may have this assurance, that at the time the appointments are considered, the Government will bestow their best consideration on the subject."

Sriman BISWANATH DAS Mahasayo :—"Am I to understand that only three Commissioners will be appointed, Sir?"

The hon. the **RAJA OF PANAGAL** :—"Government will consider the matter."
The motion was by leave withdrawn.

(Amendment No. 63.)

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I beg to move the following amendment :—

Omit the words 'not being less than two nor more than four'.

"Sir, this motion forms part of a series of motions of which I have given notice and it really forms part of a scheme which I should like to place before the House for its consideration. The scheme of the Central Board as brought out in the Bill is to have three or five Commissioners who would be all paid men and who would be all full-time officers, all appointed by the Government. That is the nature of the Board that is proposed. In the course of the discussion we have had this morning as to the necessity of the Board itself, several arguments were advanced on the ground that the payment of these Commissioners would come up to a large amount, and that along with the travelling allowances, etc., of the Commissioners and incidental expenses the expenditure would come to a very large figure. And it was mentioned by my hon. friend Mr. Govindaraghava Ayyar that the income that could be expected might not be enough to meet the cost of this board. It was also stated that one Board sitting in Madras might not be able to decide satisfactorily all the questions that might arise, and it might be necessary to have more than one Board to

[Mr. T. A. Ramalinga Chettiyar] [27th March 1923]

Clause 7—cont.

deal with the matters for which they have made provision in this chapter and in other chapters of this Bill. It was also stated that by one of the Committees, an extract from whose Report was read by my hon. friend Mr. Krishna Rao Pantulu, some objections were raised against the constitution of a Board the members of which were appointed by the Government.

“Whatever may be said here and there about election, I think, Sir, that election has come to stay in this country and we cannot say that election will not bring the right sort of men. It cannot be contended that by reverting to the old system alone we can get proper men to work the religious institutions properly. To meet the various difficulties and to devise something which would be really workable and not lead to difficulties, I have framed a scheme the several parts of which appear as amendments to the Bill on the agenda.

“My scheme is this. We may have more than one board and, as I said this morning, I will leave it to the Government to decide whether they shall not have more than one Board even from the very beginning. Even if this Board is constituted, we ought to have somebody who can attend to the routine work of receiving accounts, getting audit notes and so on. We want somebody to look into these matters. A mere Board which will meet once or twice a month will not be in a position to attend to the routine work. I therefore propose that the President may be appointed by the Government. The President must be a man who knows law and who is capable of running the Board. Such a person may be appointed by the Government.”

The **RAJA OF RAMNAD**:—“According to the Bill the Commissioners ought to be full-time officers. They cannot meet once or twice a month and then disperse.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—“I am sorry my hon. friend should have thought fit to correct me in that way. I already said that I had framed my own scheme and under my scheme the President alone should be a full-time officer and the other members should merely be honorary workers.”

The hon. the **PRESIDENT**:—“The hon. Member has apparently an alternative scheme which he is explaining now. Though the whole of it may not be relevant to this motion, it is understood that if the scheme does not carry conviction to the House, the hon. Member will not press his other motions.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—“Yes, Sir, I was saying, Sir, that the President of the Board would be a full-time officer and that he would be appointed by the Government and paid some salary. In that way the work of the Board will be satisfactorily attended to. The other Commissioners that I propose need not be men appointed by the Government, nor need they be full-time officers. I want them to be Commissioners to meet occasionally to deal with important matters which will be prepared for their deliberation by the President of the Board. I propose that these men should be elected. In one or two of my amendments I suggest the way in which these Commissioners should be elected. I suggest that the Hindu Members of this House may elect them and this is on the assumption that there should be only one Board of Commissioners. If it is decided that there should be more than one Board, probably the members of the district

27th March 1923] [Mr. T. A. Ramalinga Chettiyar]

Clause 7—cont.

committees concerned may easily elect the other Commissioners. Where we have got only one Board, probably the most convenient constituency would be the Hindu Members of this House. My idea is that it will be necessary to elect some 8 or 9 members. Half of them is to form a quorum: so that we may always be sure of having 4 or 5 members to deal with all important matters. It is with this view that I propose that the President shall be a salaried and full-time officer, and that the other Commissioners shall be elected and need not be full-time officers nor be paid anything more than their travelling allowances. As I already said, my proposal will meet the several difficulties that have been pointed out both in this House and in numerous other places where people have discussed the provisions of this Bill.

“By the present amendment, I want to take away the maximum and the minimum prescribed for the strength of the Commissioners so that it may be left to the Government to fix the number from time to time or for each Board. Considering the extent of territory that is to be administered by the Board, the Government may fix the number of members. It is with this idea that I propose this amendment and I hope it will meet with the acceptance of the House.”

The hon. the RAJA OF PANAGAL:—“If I understood my hon. friend rightly, what he meant was this: that he was going to press this amendment in case the scheme which he proposed was acceptable to the House. I am afraid I am personally against his scheme. I think it is impossible to get work done by unpaid Commissioners, and as to the question of election it is too soon to introduce that element into this infant body. What I want to say is that the Board will be given control and that the Government will watch how it is getting on and later on, if it is found necessary, the question of election and unpaid Commissioners may be considered. In these circumstances, I cannot accept the scheme, and it, therefore, follows that I cannot accept this amendment.”

Diwan Bahadur M. KRISHNAN NAYAR:—“I am afraid that I have to differ from my hon. friend Mr. Ramalinga Chettiyar. My hon. friend suggests that the President alone shall be nominated by the Government and that the other Commissioners shall be elected. He also suggests that the President shall be a full-time and salaried officer and that the other Commissioners shall be honorary workers. I do not think that such work as is contemplated in this Bill could be expected to be done by honorary workers. The Bill as it is framed requires the Commissioners to sit throughout the year. If their work is to be effective, it is essential that they should be salaried officers. If the President alone is paid and the other Commissioners are unpaid, the President will practically become the sole executive head of the Board and the other Commissioners will cease to take any interest in the affairs of the institution. I have no faith in work of this nature being done by honorary workers efficiently. It may be that in the case of the district boards and municipalities and taluk boards the members do their work satisfactorily without any remuneration. But it should not be forgotten that the district and taluk boards and municipalities meet only once or twice a month. On the other hand, according to the Bill the Board of Commissioners are required to sit throughout the year and devote their whole time and energy to the institution. If they are to be salaried officers, it necessarily follows that they must be appointed by the Government. If they are to be paid and if they

[Mr. M. Krishnan Nayar]

[27th March 1923]

Clause 7—cont.

are to be appointed by the Government it necessarily follows that their number should be restricted. Of course, personally I should like to see a large number of members appointed as Commissioners. But having regard to the financial consideration, it is necessary that their number should be restricted.

"I therefore think that the provisions in the Bill, namely, that the Commissioners shall be paid and that their number shall be restricted, should be retained."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I will only say a few words in regard to the point raised by my hon. friend, Mr. Krishnan Nayar, namely, that we cannot find honorary workers to look after the duties of the Board of Commissioners. I do not know, Sir, if the temporary absence of my hon. friend from British India has made him forget the fact that we have got over so many presidents of taluk boards and district boards and chairmen of municipalities who are devoting a large part of their time and energy to the administration of these bodies. Even after such worthy examples on the part of our countrymen, is it to be supposed that we cannot find men prepared to take similar interest in religious matters? I thought, Sir, if anything touched a Hindu most, it was religion. For religion, a Hindu will be prepared to sacrifice to any extent, in fact to a much greater extent than to anything else. So when we have got men who will be prepared to attend to this work, it cannot for a moment be contended that the administration of the institutions will suffer in the absence of paid officers."

The hon. the PRESIDENT :—"I wish the House to understand that though technically it is only Motion No. 93 that is now going to be put to the House, it is really the whole scheme which has been adumbrated by the hon. Member Mr. Ramalinga Chettiyar that the House has to vote upon."

The amendment was put to the House and lost.

(Amendment No. 64.)

The RAJA OF RAMNAD :—"Sir, I beg to move—

Add the following as a proviso at the end :—

'Provided that the President shall be an ex officio Commissioner of the Board.'

"Sir, I am aware that in the body of the Bill the impression of 'President' and other 'Commissioners' occur. But I think special mention ought to be made that the President shall be ex officio Commissioner. It is to bring out this clearly that I move this amendment."

The hon. the RAJA OF PANAGAL :—"It is obviously unnecessary, Sir, because the definition itself makes it incumbent that one of the Commissioners shall be appointed President."

The RAJA OF RAMNAD :—"I take it that the hon. the Minister has considered it unnecessary after due consultation with the the Law officers of Government. If so, I do not press my amendment."

The amendment was by leave withdrawn.

Mr. B. MUNISWAMI NAYUDU :—"Sir, with your permission, I wish to move motion No. 136 that stands against my name further down on the agenda."

27th March 1923]

Clause 7—cont.

The hon. the PRESIDENT :—"The hon. Member cannot now take up that motion. Of course if that motion is accepted later on, it will rest with the Government to locate it in its proper place. I do not think that I can allow the agenda to be disturbed."

Clause 7 was put, passed and added to the Bill.

Clause 8.

Sub-clause (1).

(Amendment No. 65.)

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—"Sir, I beg to move—

For this sub-clause substitute the following :—

'The Commissioners shall be persons professing any of the Hindu religions and shall have had, by social usage, access into Hindu temples or *maths*.'

Sir, professing religion is quite different from practising it. I am not suggesting any violent change. I am simply expanding what is properly understood by 'practising religion'. If an English Barrister or a person who has crossed the seas and who by social usage has no access to the Hindu temples is appointed as a Commissioner, then it would lead to all sorts of complications. It is with a view to avoid the friction that may arise consequent on the Commissioner forcing entry into a Hindu temple that I propose this amendment."

The RAJA OF RAMNAD :—"I am afraid, Sir, it will be absolutely
5 p.m. unworkable, because I know that a Hindu who may be allowed into temples in half-a-dozen places may not be allowed in another half-a-dozen places. There are local customs and it is impossible for a Central Commissioner recruited to the Central Board to possess this qualification, viz., of admission into all the temples all over the Presidency. There are very many other reasons also, Sir, apart from the question of caste. For instance in a certain place an England-returned man is not allowed access, however high a caste he may belong to. Therefore, I think, in practice it will be absolutely unworkable if we were to accept this amendment. So I oppose it."

The hon. the RAJA OF PANAGAL :—"I am afraid, Sir, that this amendment, if accepted, will lead to serious complications. As my hon. friend, the Raja of Ramnad, pointed out, an England-returned man may not be admitted into certain temples. Are we to exclude him from the commissionership? Again, Sir, in the case of Barristers-at-Law, they have necessarily to put in terms in the Inns and they have to go to England. Such people will not be eligible. I do not think, Sir, that I can accept this amendment."

The amendment was put and lost. The House divided as follows :—

Ayes.

1. Rai Bahadur T. M. Narasimbaacharu.
2. Mr. R. Srinivasa Ayyangar.

3. Rao Bahadur T. Namberumal Chettiayar.

[27th March 1923]

Clause 8—cont.

Noes.

- | | |
|--|---|
| 1. The hon. Sir Charles Todhunter. | 20. Rao Bahadur K. Gopalakrishnayya. |
| 2. „ Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur. | 21. Mr. B. Muniswami Nayudu. |
| 3. „ the Raja of Panagal. | 22. „ A. T. Muttukumaraswami Chettiyar. |
| 4. „ Rai Bahadur K. Venkatareddi Nayudu. | 23. „ M. Narayanaswami Reddi. |
| 5. „ Rao Bahadur A. P. Patro. | 24. Rao Bahadur C. Natesa Mudaliyar. |
| 6. Mr. E. S. Lloyd. | 25. Mr. V. Pakkiriswami Pillai. |
| 7. „ A. Y. G. Campbell. | 26. „ P. T. Rajan. |
| 8. Rai Bahadur N. Gopalaswami Ayyangar. | 27. „ R. K. Shanmukham Chettiyar. |
| 9. Mr. C. Madhava Nayar. | 28. „ K. Sitarama Reddi. |
| 10. Diwan Bahadur T. N. Sivagnanam Pillai. | 29. „ S. Somasundaram Pillai. |
| 11. Mr. E. Periyannayagam Pillai. | 30. „ M. Subbarayan. |
| 12. „ A. Ramaswami Mudaliyar. | 31. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 13. Rao Bahadur T. Ramalinga Chettiyar. | 32. „ R. Venkataratnam Nayudu. |
| 14. Mr. K. Adinarayana Reddi. | 33. Mr. S. Muttumaniokk Achariyar. |
| 15. „ S. R. Y. Ankineda Prasad Bahadur. | 34. The Raja of Ramnad. |
| 16. Rao Sahib S. Ellappa Chettiyar. | 35. Abbas Ali Khan Bahadur. |
| 17. Rao Bahadur P. C. Ethirajulu Nayudu. | 36. Muhammad Usman Sahib Bahadur. |
| 18. Diwan Bahadur M. Krishnan Nayar. | 37. Rao Sahib M. C. Madurai Pillai. |
| 19. Mr. W. Vijayaraghava Mudaliyar. | 38. Mr. G. Vandanam. |

Three voted *for* and 38 *against*. The motion was lost.

(Amendment No. 66.)

Rai Bahadur T. M. NARASIMHACHARLU:—“I beg to move, Sir, the following:—

Between the words ‘be’ and ‘persons’ insert the word ‘caste’.

“No doubt, Sir, from a social point of view, this word may not appear to be desirable, but when we are legislating for institutions wherein caste is particularly observed, we ought not by any legislation make it appear to the people concerned that this legislation is going to revolutionize their religious ideas and religious habits. It is only to save the Government from such an aspersion that this amendment is proposed. With reference to the previous amendment of my hon. friend, Mr. Namburam Chettiyar, the hon. the Minister said that it was quite unnecessary, but I should rather think, Sir, that it is the other way. If we are going to allow a person who is other than a caste Hindu to be appointed as a Commissioner, then I submit, Sir, that it will lead to much bloodshed over this affair. The reason is the Commissioner has got general powers of superintendence over all institutions and he can enter into any institution for the purpose of this superintendence. He can even go and inspect such institutions. Therefore, I submit, Sir, that if the Government take it into their head to appoint persons who are not caste Hindus as Commissioners—and I may say that under the scheme now proposed there is nothing to prevent them from appointing such persons—the difficulties will become enormous. In order to prevent any member of the Government from appointing such persons and thereby anticipate disorders in the country, I submit that my amendment should be accepted.”

The hon. the RAJA OF PANAGAL:—“Sir, I oppose the motion. In the first place, I am not in a position to understand what the hon. Member means by the words ‘caste Hindu’. Every Hindu has his own caste. There are no casteless Hindus, and therefore the word itself does not give an accurate idea of what the hon. Member means.

27th March 1923]

[The Raja of Panagal]

Clause 8—cont.

“Secondly, Sir, it does not follow that if he is a Commissioner, he should have the right of entry to any place and every place. There is the clause 75 which insists upon usages and customs being respected. I do not think, Sir, that really any fear of bloodshed need be entertained and I am, therefore, unable to accept the amendment proposed.”

Rai Bahadur T. M. NARASIMHACHARLU :—“I submit, Sir, I thought that the hon. the Minister knew what caste meant. There is no other country in the world where caste prevails, and caste means the four castes of our religion, viz., Brahma, Kshatriya, Vaisya and Sudra. Therefore, when we are dealing with the Hindu Religious Endowments Bill, is it at all difficult to understand what caste means? I am only surprised that the hon. the Minister was not able to understand the meaning of ‘caste’ in the case of Hindu religious endowments for which he is proposing to legislate.”

The hon. the RAJA OF PANAGAL :—“Sir, if my hon. friend speaks from an orthodox point of view, I can claim to speak from that point too. I know the Sastras, I know Puranas. According to the Puranic and the present-day Sastraic conception, there are only two castes in Kaliyuga. The four castes do not exist in Kaliyuga. The Kshatriya and the Vaisya have disappeared, and, therefore, there are only two castes now whatever they are. Beyond these two castes, there is none else. So all the Hindus have to come under the category of either the one or the other. Further more, Sir, there is the oft-quoted Puranic aphorism, శకం పంచవక్షాసాంతే జాయతే వర్ణసంకరః. That is, after 5,000 years in Kaliyuga there will be no caste.”

Rai Bahadur T. M. NARASIMHACHARLU :—“Then, Sir, as regards the question that the Commissioners need not enter into these places, I submit there is no such provision anywhere in the Bill. All I can say is that the Bill does not prevent a Commissioner from entering into any math or temple. Then, Sir, the hon. the Minister says that there is a section which deals with that point and says that customs and usages shall not be violated. But I submit that that section relates to other matters and not to the superintendence of the Commissioners. Therefore I press my amendment.”

The amendment was put and lost.

The House then adjourned at 5-15 p.m. to meet again at 11 a.m. the next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.